

VETO MESSAGE ON HB 1090-S

April 2, 1994

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1090 entitled:

"AN ACT Relating to privileged communications;"

Under current law, an individual may not be compelled to give testimony at a judicial proceeding regarding communications which took place between that individual and another person in one of essentially four relationships. These relationships include a husband and a wife, a lawyer and a client, a doctor and a patient, and a priest and a penitent. In most circumstances, communications which take place between the above-mentioned relationships are considered confidential. These privileges are standard throughout the country and have as their basis many decades of judicial scrutiny and review. As courts recognize the value of testimony to courts and juries seeking to hear all of the facts and to determine the truth, the trend has been to limit these privileges.

Substitute House Bill No. 1090 would add a new relationship to this narrow list by including communications that occur between a police officer and a police peer group counselor. While I have the greatest respect for the difficult and demanding work that our police officers perform, I do not believe that it is appropriate to add conversations between a police officer and a peer group counselor to this narrow list of privileged communications. Whenever communications are privileged, a court and a jury are prevented from hearing all of the evidence.

Peer group counselors provide necessary help to police officers in need. In this bill, however, the definition of peer group counselor is unclear and invites communications that are not intended to be confidential to possibly acquire the privilege. If this bill were to become law, it would be difficult to justify the unique nature of this crucial peer relationship as compared to other similar peer relationships which could result in the need to extend this privilege to others. Police officers who require additional counseling should be encouraged to seek help from professionals. Importantly, under current law these communications would likely be privileged as a doctor and patient relationship.

For these reasons, I have vetoed Substitute House Bill No. 1090 in its entirety.

Respectfully submitted,
Mike Lowry
Governor