

CHAPTER 56

[Engrossed Senate Bill No. 4474]

CRIMINAL PROCEEDINGS—SPOUSAL PRIVILEGE

AN ACT Relating to witnesses in criminal proceedings; and amending section 294, page 187, Laws of 1854 as last amended by section 2, chapter 215, Laws of 1979 ex. sess. and RCW 5.60.060.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 294, page 187, Laws of 1854 as last amended by section 2, chapter 215, Laws of 1979 ex. sess. and RCW 5.60.060 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

(3) A clergyman or priest shall not, without the consent of a person making the confession, be examined as to any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs.

(4) A regular physician or surgeon shall not, without the consent of his patient be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him to prescribe or act for the patient, but this exception shall not apply in any judicial proceeding regarding a child's injuries, neglect or sexual abuse, or the cause thereof.

(5) A public officer shall not be examined as a witness as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or

the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 12, 1982.

Passed the House March 6, 1982.

Approved by the Governor March 22, 1982.

Filed in Office of Secretary of State March 22, 1982.

CHAPTER 57

[Engrossed Senate Bill No. 4549]

TRANSPORTATION BUDGET ADJUSTMENTS—APPROPRIATION

AN ACT Relating to transportation; amending section 8, chapter 317, Laws of 1981 as amended by section 109, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 9, chapter 317, Laws of 1981 (uncodified); amending section 27, chapter 317, Laws of 1981 (uncodified); making appropriations; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 8, chapter 317, Laws of 1981 as amended by section 109, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT—PROGRAM Z—MANAGEMENT SERVICES—PROGRAM S

General Fund—Aeronautics Account Appropriation—State	\$	8,722
General Fund Appropriation—State	\$	59,200
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State	\$	525,462
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation—State	\$	441,773
Motor Vehicle Fund Appropriation—State	\$	((15,417,283))
		<u>16,435,283</u>
Total Appropriation	\$	((16,452,440))
		<u>17,470,440</u>

The appropriations contained in this section are provided for executive management, management services, and support costs of the department of transportation. The department of transportation may transfer any portion of the motor vehicle fund appropriations in this section between Programs S and Z.

Sec. 2. Section 9, chapter 317, Laws of 1981 (uncodified) is amended to read as follows: