



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 647 (Substitute S-3 as reported)
Sponsor: Senator Alan Sanborn
Committee: Judiciary

CONTENT

The bill would create a new act to prohibit the use of a law enforcement officer's "involuntary statement", and any information derived from it, against the officer in a criminal proceeding, and provide that a law enforcement officer's involuntary statement would be confidential and not open to public inspection. "Involuntary statement" would mean information provided by a law enforcement officer, if compelled under threat of dismissal from employment or any other employment sanction, by the law enforcement agency employing the officer.

The law enforcement agency could disclose an officer's involuntary statement, however, only under one or more of the following circumstances:

- With the officer's written consent.
- To a prosecuting attorney or the Attorney General pursuant to a search warrant, subpoena, or court order, including an investigative subpoena.
- To officers of, or legal counsel for, the law enforcement agency or the officer's collective bargaining representative, or both, for use in an administrative or legal proceeding involving a law enforcement officer's employment status with the agency or to defend the agency or officer in a criminal action.
- To legal counsel for an individual or employing agency for use in a civil action against the employing agency or the law enforcement officer.

A prosecuting attorney or Attorney General who obtained an involuntary statement pursuant to a search warrant, subpoena, or court order could not disclose the contents of the statement, except to a law enforcement agency working with him or her or as ordered by the court having jurisdiction over the criminal matter or, as constitutionally required, to the defendant in a criminal case.

An officer of, or legal counsel for, a law enforcement agency or the collective bargaining representative of the officer who received an involuntary statement for use in an administrative or legal proceeding involving the officer's employment status, or to defend the agency or officer in a criminal action, could not disclose the statement for any other reason, or make it available for public inspection, without the written consent of the officer who made the statement.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 11-30-06

Fiscal Analyst: Bruce Baker