



January 24, 2023

RE: Senate Bill 5280

Thank you, Chair Wilson, Ranking Member Boehnke and members of the Senate Human Services Committee for allowing me to speak today regarding SB 5280.

My name is Mario Villanueva, and I am the Executive Director for the Washington State Catholic Conference (WSCC), the public policy voice for the Catholic bishops of Washington. The bishops will always be supportive of efforts by the state legislature and state agencies to strengthen safeguards for the health, safety, and welfare of our children by establishing clear requirements for reporting instances of child abuse.

After I was approached by the prime sponsor of the House companion bill, HB 1098, asking for us to support the bill, the WSCC signed up "Pro," since we do support mandatory reporting of child abuse and neglect outside of the clergy-penitent relationship. Unfortunately, we were blindsided by an amendment in the House Executive Session that would eliminate the longstanding clergy-penitent privilege. The original language in HB 1098 upheld the clergy-penitent privilege supported by our federal constitution and state law. In plain language Catholics refer to this as the sanctity and privacy of the confessional.

The clergy-penitent privilege has been upheld by the Supreme Court since 1818. Language at line 17 on page 8 for SB 5280 clearly refers to RCW 5.60.060 (3) that protects the clergy-penitent privilege referenced in our state law. As I have stated, we believe the US Constitution and First Amendment also support this privilege. It is our understanding that the clergy-penitent privilege is one of several evidentiary privileges in Washington law dating back to territorial days, before statehood. In addition, there has been no thoughtful, deliberative process regarding the clergy-penitent privilege in the context of all the other privileges currently protected under state law.

I am raising this matter now with serious concerns about what occurred in the House Executive Session on HB 1098. On behalf of the WA Bishops, I am requesting that this not occur in your review and deliberation on this bill and that the clergy-penitent privilege in the bill be maintained. We are currently seeking a solution for the overreach that occurred in the house as I have described.

In closing, there is no justification for the rash elimination of the longstanding clergy-penitent privilege, the one evidentiary privilege that is founded upon the concept of freedom of religion. We thank you very much for your attention to this and for your time.

Sincerely,

Mario Villanueva  
Executive Director  
Washington State Catholic Conference