

HOUSE BILL REPORT

HB 1914

As Reported By House Committee On:
Human Services

Title: An act relating to volunteers serving the needs of at-risk children.

Brief Description: Allowing volunteers to assist agencies to serve at-risk children's needs.

Sponsors: Representatives Brown, Long, Johanson, L. Johnson, Edmondson, Cothorn, Scott, Wood, Leonard, Brough, Kremen, Dyer, Brumsickle, Jones, King, Carlson, Karahalios, Schoesler, Hansen, Lemmon, Springer, Rayburn, Patterson, J. Kohl and Cooke.

Brief History:

Reported by House Committee on:
Human Services, March 3, 1993, DPS.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Staff: John Welsh (786-7133).

Background: The Center for Volunteerism and Citizen Service, in the Department of Community Development, was established to provide a planned, coordinated recognition, information, training and technical assistance for volunteer and citizen service efforts through a statewide center for voluntary action. This is intended to ensure that the state actively promotes the ethic of service and makes every appropriate effort to encourage effective involvement of volunteers to supplement private community agencies and local and state government.

Police departments have concerns about legal liability for the activities of volunteers in collaborative programs working with at-risk youth and neighborhood gang members for the prevention of violence in the communities.

Summary of Substitute Bill: Any volunteer, including a volunteer organization, may assist a public agency, with the agency's approval, in a collaborative program for serving the needs of at-risk youth. Such programs are to be established in accordance with guidelines issued by the Center for Volunteerism and Citizen Service defining reasonable safety standards to protect the safety of program participants and volunteers. In carrying out the volunteer activity, the volunteer is not considered an employee or agent of the public agency administering the collaborative program. A volunteer who has complied with these reasonable safety standards is presumed to be acting in good faith. To recover damages, a claimant must establish by a preponderance of the evidence that a public agency failed to comply with the reasonable safety standards of the guidelines.

Substitute Bill Compared to Original Bill: The absolute immunity from legal liability for public agencies and volunteers is stricken in favor of the establishment of reasonable safety standards which, if complied with, limit their liability.

Fiscal Note: Requested February 17, 1993.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Public agencies, such as police departments, need some protection from the legal risks that are posed when collaborating with volunteers to cope with juvenile offenders and gang violence in the communities. These programs are intended to prevent or ameliorate gang violence, vandalism, and other criminal activity of at-risk youth in the neighborhoods.

Testimony Against: None.

Witnesses: (in favor) John Turner, Mountlake Terrace Police; Pat Cordova, Mountlake Terrace City Council; Dennis Martin, Washington State Trial Lawyers Association; and Joby Winans, Department of Community Development.