

SENATE BILL REPORT

SB 6207

As Reported By Senate Committee On:
Human Services & Corrections, February 4, 1998

Title: An act relating to correctional facilities and institutions.

Brief Description: Terminating employees and contractors who engage in sexual misconduct with inmates or residents of correctional facilities or institutions.

Sponsors: Senators Kohl, Long, Hargrove, Fairley, Zarelli, Kline, Goings, Schow, Thibaudeau, Haugen, Franklin, Fraser, Loveland, McAuliffe, Jacobsen, B. Sheldon, Snyder, Benton, Roach, Winsley and Oke.

Brief History:

Committee Activity: Human Services & Corrections: 1/28/98, 2/4/98 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Staff: Fara Daun (786-7459)

Background: Both the Department of Corrections (DOC) and the Department of Social and Health Services (DSHS) hire employees and contractors for positions where the employee has contact with inmates or offenders. Current law does not prevent the employee or contractor from having sexual intercourse or sexual contact with a person over whom he or she had supervisory authority.

Summary of Substitute Bill: Sexual intercourse or sexual contact between an employee of the DOC or DSHS or a departmental contractor and an inmate or offender is defined as employee misconduct.

The secretary must suspend the employment of an employee or require the removal of a contractor's employee who the secretary has reasonable cause to believe has engaged in sexual misconduct with an inmate or offender.

If the misconduct is proved by a preponderance of the evidence, the secretary must institute termination proceedings against an employee or require the contractor to permanently remove the contractor's employee from any position with any access to an inmate.

Before the secretary renews a contract with a contractor whose employee was subject to removal for sexual misconduct, the secretary must determine whether the contractor has made significant progress in reducing the likelihood of sexual misconduct by its employees.

This determination must consider the steps the contractor has taken to improve hiring, training, and monitoring practices, and whether the employee whose misconduct caused his or her removal is still employed by the contractor.

Substitute Bill Compared to Original Bill: The substitute bill covers all employees, not merely those with supervisory authority. It provides a process to permit termination that does not conflict with the merit system rules and collective bargaining agreements. It provides an evaluation of contracts rather than immediate termination and ineligibility. It provides safeguards to protect employees from unfounded accusations and an exception to the termination proceedings where the employee did not consent to sexual intercourse or sexual contact.

Appropriation: None.

Fiscal Note: Requested on January 19, 1998.

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

Testimony For: Sexual intercourse or contact between inmates and employees should be prohibited.

Testimony Against: The provisions should cover all employees, not merely those with supervisory authority. Immediate termination would conflict with merit system rules and collective bargaining agreements. Immediate contract termination would adversely impact the department when the contractor is another government agency or the sole provider of the contracted services. Safeguards needs to be imposed to protect employees from unfounded accusations and sexual attacks by inmates.

Testified: Senator Jeanne Kohl, prime sponsor (pro); Belinda Stewart, DOC (pro w/concerns); Alice Payne, DOC (pro w/concerns); Patrick O'Connor, Teamsters (concerns).