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SENATE BILL 6207

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State of Washington

55th Legislature

1998 Regular Session

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

Read first time 01/13/98. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to correctional facilities and institutions; adding  
2 a new section to chapter 13.40 RCW; and adding a new section to chapter  
3 72.09 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.40 RCW  
6 to read as follows:

7 (1) The department shall immediately terminate the employment of  
8 any person, or terminate the contract of any contractor that employs or  
9 has as an executive or officer any person:

10 (a) Who has sexual intercourse or sexual contact with an inmate or  
11 resident of an institution under the jurisdiction of the department  
12 upon a finding by the department that the person had supervisory  
13 authority with regard to the inmate or resident; or

14 (b) Upon a guilty plea or conviction for any crime specified in  
15 chapter 9A.44 RCW when the victim was an inmate or resident of an  
16 institution under the jurisdiction of the department and the person had  
17 supervisory authority with regard to the inmate or resident.

18 (2)(a) For the purposes of RCW 50.20.060, a person terminated under  
19 this section shall be considered discharged for misconduct.

1 (b)(i) The department may, within its discretion or upon request of  
2 any member of the public, release information to an individual or to  
3 the public regarding any person or contract terminated under this  
4 section.

5 (ii) An appointed or elected public official, public employee, or  
6 public agency as defined in RCW 4.24.470 is immune from civil liability  
7 for damages for any discretionary release of relevant and necessary  
8 information, unless it is shown that the official, employee, or agency  
9 acted with gross negligence or in bad faith. The immunity provided  
10 under this section applies to the release of relevant and necessary  
11 information to other public officials, public employees, or public  
12 agencies, and to the general public.

13 (iii) Except as may otherwise be provided by law, nothing in this  
14 section shall impose any liability upon a public official, public  
15 employee, or public agency for failing to release information  
16 authorized under this section. Nothing in this section implies that  
17 information regarding persons designated in subsection (1) of this  
18 section is confidential except as may otherwise be provided by law.

19 (c) Any person or contractor who employs a person who was  
20 terminated or was the cause of a contract termination under subsection  
21 (1) of this section is not eligible to bid on any contract offered by  
22 the state involving the supervision of inmates or residents under the  
23 jurisdiction of the department.

24 (3) As used in this section, "sexual intercourse" and "sexual  
25 contact" have the meanings provided in RCW 9A.44.010.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09 RCW  
27 to read as follows:

28 (1) The department shall immediately terminate the employment of  
29 any person, or terminate the contract of any contractor that employs or  
30 has as an executive or officer any person:

31 (a) Who has sexual intercourse or sexual contact with an inmate or  
32 resident of a facility under the jurisdiction of the department upon a  
33 finding by the department that the person had supervisory authority  
34 with regard to the inmate or resident; or

35 (b) Upon a guilty plea or conviction for any crime specified in  
36 chapter 9A.44 RCW when the victim was an inmate or resident of a  
37 facility under the jurisdiction of the department and the person had  
38 supervisory authority with regard to the inmate or resident.

1 (2)(a) For the purposes of RCW 50.20.060, a person terminated under  
2 this section shall be considered discharged for misconduct.

3 (b)(i) The department may, within its discretion or upon request of  
4 any member of the public, release information to an individual or to  
5 the public regarding any person or contract terminated under this  
6 section.

7 (ii) An appointed or elected public official, public employee, or  
8 public agency as defined in RCW 4.24.470 is immune from civil liability  
9 for damages for any discretionary release of relevant and necessary  
10 information, unless it is shown that the official, employee, or agency  
11 acted with gross negligence or in bad faith. The immunity provided  
12 under this section applies to the release of relevant and necessary  
13 information to other public officials, public employees, or public  
14 agencies, and to the general public.

15 (iii) Except as may otherwise be provided by law, nothing in this  
16 section shall impose any liability upon a public official, public  
17 employee, or public agency for failing to release information  
18 authorized under this section. Nothing in this section implies that  
19 information regarding persons designated in subsection (1) of this  
20 section is confidential except as may otherwise be provided by law.

21 (c) Any person or contractor who employs a person who was  
22 terminated or was the cause of a contract termination under subsection  
23 (1) of this section is not eligible to bid on any contract offered by  
24 the state involving the supervision of inmates or residents under the  
25 jurisdiction of the department.

26 (3) As used in this section, "sexual intercourse" and "sexual  
27 contact" have the meanings provided in RCW 9A.44.010.

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