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HOUSE BILL 2672

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Kirby, O'Brien, Ballasiotes, Morell, Darneille,  
Lovick and Kagi

Read first time 01/23/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to limiting the liability of providers of treatment  
2 to high risk offenders; and adding a new section to chapter 71.24 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24 RCW  
5 to read as follows:

6 (1) A mental health service provider or regional support network,  
7 acting in the course of the provider's or network's duties, is not  
8 liable for civil damages resulting from the injury or death of another  
9 caused by a dangerous mentally ill offender who is a client of the  
10 provider or network, unless the act or omission of the provider or  
11 network constitutes:

12 (a) Gross negligence;

13 (b) Willful or wanton misconduct; or

14 (c) A breach of the duty to warn of and protect from a client's  
15 threatened violent behavior if the client has communicated a serious  
16 threat of physical violence against a reasonably ascertainable victim  
17 or victims.

18 (2) In addition to any other requirements to report violations, the  
19 mental health service provider and regional support network shall

1 report an offender's expressions of intent to harm or other predatory  
2 behavior, regardless of whether there is an ascertainable victim, in  
3 progress reports and other established processes that enable courts and  
4 supervising entities to assess and address the progress and  
5 appropriateness of treatment.

6 (3) A mental health service provider's or regional support  
7 network's mere act of treating a dangerous mentally ill offender is not  
8 negligence. Nothing in this subsection alters the mental health  
9 service provider's or regional support network's normal duty of care  
10 with regard to the client.

11 (4) The limited liability provided by this section applies only to  
12 the conduct of mental health service providers and regional support  
13 networks and does not apply to conduct of the state.

14 (5) For purposes of this section, "dangerous mentally ill offender"  
15 means a person who has been identified under RCW 72.09.370 as an  
16 offender who: (a) Is reasonably believed to be dangerous to himself or  
17 herself or others; and (b) has a mental disorder.

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