
SENATE BILL 5355

State of Washington

57th Legislature

2001 Regular Session

By Senator Hargrove

Read first time 01/19/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to limitations in tort liability for errors in
2 judgment by state employees; adding a new section to chapter 43.20A
3 RCW; adding a new section to chapter 72.01 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** In an effort to protect the public health,
7 safety, and welfare, the legislature has authorized and funded programs
8 addressing child and elderly abuse and neglect and criminal offenders.
9 The work undertaken by state employees and agents to deliver these
10 important services is difficult. These workers are routinely presented
11 with factual circumstances that require them to make decisions based
12 upon circumstantial evidence and measurable risk of harm associated
13 with the available competing choices.

14 Jury verdicts and settlements since 1995 against the department of
15 corrections and the department of social and health services exceed
16 sixty million dollars. The legislature is obligated, not only for
17 policy reasons, but fiscal responsibility demands measures to assure
18 the state is accountable under fair and reasonable standards of
19 negligence. The state cannot guarantee the safety of its citizens,

1 particularly in cases of harm involving the criminal conduct of others.
2 The legislature expects state workers to perform this difficult work
3 nonnegligently, and does not intend to immunize the state for
4 negligence. However, the legislature finds that the citizens of this
5 state should not be liable when the state worker exercises reasonable
6 care, following applicable policies and procedures, which result in a
7 bad outcome.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A RCW
9 to read as follows:

10 The state or a child dependency caseworker or adult protective
11 services caseworker, individually or in a representative capacity for
12 the state, is not liable for an error of judgment if, in arriving at
13 that judgment, the caseworker exercised reasonable care and skill,
14 within the applicable policies, procedures, and standards the
15 caseworker is obliged to follow.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.01 RCW
17 to read as follows:

18 The state or a community corrections officer, parole officer, or
19 probation officer, individually or in a representative capacity for the
20 state, in juvenile and adult offender supervision cases is not liable
21 for an error of judgment if, in arriving at that judgment, the officer
22 exercised reasonable care and skill, within the applicable policies,
23 procedures, and standards the officer is obliged to follow.

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