

5465-S

Sponsor(s): Senate Committee on Human Services & Corrections
(originally sponsored by Senators Costa, Hargrove and Long)

Brief Description: Changing provisions relating to sex offender treatment providers.

SB 5465-S - DIGEST

(AS OF SENATE 2ND READING 4/30/01)

Finds that the state needs an increasing number of certified sex offender treatment providers to treat sexually violent predators and meet the state's commitment to long-term treatment, help reduce recidivism, and more adequately provide for the community.

Recognizes that these treatment providers offer a valuable service to the people of Washington and may experience difficulty maintaining adequate liability protection given the inherent uncertainties of providing treatment to sexually violent predators.

Declares an intent to provide very limited immunity, for instances of simple negligence only, to certified sex offender treatment providers for their treatment decisions involving sexually violent predators released to a less restrictive alternative under chapter 71.09 RCW.

Declares that a certified sex offender treatment provider may not perform or provide treatment of sexually violent predators under this act if the certified sex offender treatment provider has been:

(1) Convicted of a sex offense, as defined in RCW 9.94A.030;
(2) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(3) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

Provides that a certified sex offender treatment provider, acting in the course of his or her duties, providing treatment to a person who has been released to a less restrictive alternative under chapter 71.09 RCW or to a level III sex offender on community custody as a court or department ordered condition of sentence is not negligent because he or she treats a high risk offender; sex offenders are known to have a risk of reoffense.

Provides that the treatment provider is not liable for civil damages resulting from the reoffense of a client unless the treatment provider's acts or omissions constituted gross negligence or willful or wanton misconduct.