
SUBSTITUTE HOUSE BILL 1764

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Lantz, Carrell, O'Brien, Flannigan and Moeller)

READ FIRST TIME 03/04/03.

1 AN ACT Relating to liability for performing pretrial supervision
2 activities; adding a new section to chapter 35.21 RCW; adding a new
3 section to chapter 36.01 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature is obligated for policy
6 reasons and fiscal responsibility to assure that counties, cities, and
7 towns are accountable under fair and reasonable standards of
8 negligence. The work they undertake to implement the pretrial
9 supervision or pretrial release of criminal offenders often requires
10 them to make decisions based upon measurable risks of harm associated
11 with available competing choices. The legislature finds that the
12 citizens of counties, cities, or towns should not be liable when
13 counties, cities, and towns exercise reasonable care and skill.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21 RCW
15 to read as follows:

16 A city or town that provides pretrial supervision or pretrial
17 release, and any officer, employee, and volunteer of the city or town,
18 is not liable for selecting one of two or more alternative courses of

1 action pertaining to pretrial supervision or pretrial release even
2 though the course of action chosen results in a poor outcome if the
3 person exercised reasonable care and skill in arriving at the judgment
4 to follow the particular course of action. For purposes of this
5 section, "volunteer" is defined according to RCW 51.12.035.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01 RCW
7 to read as follows:

8 A county that provides pretrial supervision or pretrial release,
9 and any officer, employee, and volunteer of the county, is not liable
10 for selecting one of two or more alternative courses of action
11 pertaining to pretrial supervision or pretrial release even though the
12 course of action chosen results in a poor outcome if the person
13 exercised reasonable care and skill in arriving at the judgment to
14 follow the particular course of action. For purposes of this section,
15 "volunteer" is defined according to RCW 51.12.035.

16 NEW SECTION. **Sec. 4.** Nothing in this act may be construed to
17 limit the application of other statutes specifying a liability standard
18 for the employees and agents of any city, town, or county.

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