
HOUSE BILL 1764

State of Washington 58th Legislature 2003 Regular Session

By Representatives Lantz, Carrell, O'Brien, Flannigan and Moeller

Read first time 02/07/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to liability for performing pretrial supervision
2 activities; amending RCW 36.01.070; adding a new section to chapter
3 35.21 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that it is in the
6 public interest for counties, cities, departments, and subdivisions, to
7 provide pretrial supervision of accused persons. The legislature
8 further finds that supervision providers cannot always foresee or
9 control the behavior of the accused persons whom they supervise. The
10 legislature therefore finds that it is not appropriate for supervision
11 providers to be subject to liability under the ordinary negligence
12 standard as it has been broadly applied by Washington courts. The
13 legislature intends that supervision providers be subject to a standard
14 of gross negligence.

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

17 A city or town that provides pretrial supervision or pretrial
18 release, its staff, and volunteers are not liable for civil damages

1 resulting from any act or omission in the rendering of pretrial
2 supervision or pretrial release unless the act or omission constitutes
3 gross negligence. For purposes of this section, "volunteers" is
4 defined according to RCW 51.12.035. For purposes of this section,
5 "gross negligence" means the failure to exercise slight care, and is
6 substantially and appreciably greater than ordinary negligence.

7 **Sec. 3.** RCW 36.01.070 and 1996 c 298 s 7 are each amended to read
8 as follows:

9 (1) Notwithstanding the provisions of chapter 72.01 RCW or any
10 other provision of law, counties may engage in probation and parole
11 services and employ personnel therefor under such terms and conditions
12 as any such county shall so determine. If a county elects to assume
13 responsibility for the supervision of superior court misdemeanor
14 offenders placed on probation under RCW 9.92.060 or 9.95.210, the
15 county may contract with other counties to receive or provide such
16 probation services. A county may also enter into partnership
17 agreements with the department of corrections under RCW 72.09.300.

18 (2) A county that provides pretrial supervision or pretrial
19 release, its staff, and volunteers are not liable for civil damages
20 resulting from any act or omission in the rendering of pretrial
21 supervision or pretrial release unless the act or omission constitutes
22 gross negligence. For purposes of this section, "volunteers" is
23 defined according to RCW 51.12.035. For purposes of this section,
24 "gross negligence" means the failure to exercise slight care, and is
25 substantially and appreciably greater than ordinary negligence.

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