
SENATE BILL 6060

State of Washington

59th Legislature

2005 Regular Session

By Senator Kline

Read first time 02/28/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to tort liability of governmental entities; and
2 adding a new section to chapter 4.24 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 4.24 RCW
5 to read as follows:

6 (1) It is the intent of the legislature that the public duty
7 doctrine as a whole is a doctrine of law which has had its source in
8 judicial precedent, and that the legislature does not intend to codify
9 the doctrine in its entirety. However, the legislature intends to
10 apply the doctrine specifically to those instances in which a
11 department of state government, or a cognate function of local
12 government, is alleged to be liable for its acts or omissions in the
13 supervision of certain specified third parties.

14 (2)(a) In any tort action filed against a governmental entity or
15 its past or present public officials for conduct in a governmental
16 capacity, no liability may be imposed unless the conduct breached a
17 duty owed to the injured person as an individual, rather than to the
18 public in general. Liability may only be imposed if the claim is based
19 upon an act or failure to act to prevent or diminish harmful

1 consequences of a condition or situation, whether created by acts or
2 omissions intentional or negligent in character, including the violent
3 or tortious conduct of a third person, and the plaintiff shows that the
4 condition or situation was substantially caused by the governmental
5 entity or any person acting on behalf of the governmental entity. This
6 subsection applies only with regard to a governmental entity that has
7 responsibility for a supervised person in the community charged with or
8 convicted of a crime and not in physical custody or confinement.

9 (b) For the purposes of this subsection, "supervised person" means
10 anyone in or on community supervision, community custody, community
11 placement, probation, pretrial supervision, or parole, including
12 juvenile offenders under the jurisdiction of the juvenile
13 rehabilitation administration of the department of social and health
14 services or any successor organization, and anyone subject to a
15 commitment order under chapter 10.77, 70.96A, 71.05, 71.09, or 71.34
16 RCW, and conditionally released or on a less restrictive alternative.

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