
SENATE BILL 6852

State of Washington 59th Legislature 2006 Regular Session

By Senators Kline, Hargrove, Brandland and Rasmussen

Read first time 01/27/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to state and local agency tort liability for the
2 acts of supervised persons in the community; adding new sections to
3 chapter 4.92 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 to limit the liability of state and local governments
7 for injuries caused by released offenders and other persons who are
8 being supervised in the community or who are on a community-based
9 treatment monitoring program. The legislature intends this act to
10 limit both the class of supervised persons for whom state and local
11 government can be held liable and the circumstances under which
12 liability can be imposed.

13 NEW SECTION. **Sec. 2.** For purposes of this act, "supervised
14 person" means anyone in or on community supervision, community custody,
15 community placement, or pretrial supervision, including juvenile
16 offenders under the jurisdiction of the juvenile rehabilitation
17 administration of the department of social and health services or any
18 successor organization, anyone subject to a commitment order under

1 chapter 10.77, 70.96A, 71.05, 71.09, or 71.34 RCW, and anyone
2 supervised under chapter 71A.12 RCW, and conditionally released or on
3 a less restrictive alternative.

4 NEW SECTION. **Sec. 3.** The state, local governments, and their
5 agencies, officers, and employees shall not be held liable for damages
6 or injuries to persons or property caused by supervised persons when
7 their only known charges or convictions do not include violence.

8 NEW SECTION. **Sec. 4.** Liability for injuries or deaths caused by
9 supervised persons may be imposed on the state, local governments,
10 their agencies, officers, or employees only pursuant to this section
11 and subject to the limitations of section 3 of this act. The state,
12 local governments, and their agencies, officers, or employees may be
13 found liable for personal injuries or deaths caused by offenders other
14 than those identified in section 3 of this act only if each of the
15 following elements is present:

16 (1) The injury-causing conduct of the supervised person is
17 criminal;

18 (2) The criminal act resulting in the injury or death is within the
19 criminal propensity of the individual. For the purposes of this
20 section, "criminal propensity" means the totality of criminal conduct
21 for which the supervised person has been charged or convicted;

22 (3) The supervised person has violated the terms of the judgment
23 and sentence;

24 (4) The supervising agency or employee knows or should have known
25 of behavioral symptoms, conduct, statements, or other manifestations of
26 an increased likelihood on the part of the supervised person of
27 committing the act complained of. The supervised person's failure to
28 take medications that were prescribed for the purpose of maintaining
29 behavioral control constitutes such a behavioral symptom; and

30 (5) The supervised person would have been incarcerated or
31 restrained on the date of the conduct resulting in personal injury or
32 death if the violation of the judgment and sentence had been reported
33 to a judicial or quasi-judicial entity with the authority to
34 incarcerate the supervised person.

1 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act are each
2 added to chapter 4.92 RCW.

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