

**SB 6308** - H AMD 1572

By Representative Hurst

NOT CONSIDERED 3/11/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that there have been  
4 ongoing, egregious examples of certain residents of the special  
5 commitment center having illegal child pornography, other prohibited  
6 pornography, and other banned materials on their computers. The  
7 legislature also finds that activities at the special commitment  
8 center must be designed and implemented to meet the treatment goals of  
9 the special commitment center, and proper and appropriate computer  
10 usage is one such activity. The legislature also finds that by  
11 linking computer usage to treatment plans, residents are less likely  
12 to have prohibited materials on their computers and are more likely to  
13 successfully complete their treatment plans. Therefore, the  
14 legislature finds that residents' computer usage in compliance with  
15 conditions placed on computer usage is essential to achieving their  
16 therapeutic goals. If residents' usage of computers is not in  
17 compliance or is not related to meeting their treatment goals,  
18 computer usage will be limited in order to prevent or reduce  
19 residents' access to prohibited materials.

20

21 **Sec. 2.** RCW 71.09.080 and 2009 c 409 s 7 are each amended to read  
22 as follows:

23 (1) Any person subjected to restricted liberty as a sexually  
24 violent predator pursuant to this chapter shall not forfeit any legal  
25 right or suffer any legal disability as a consequence of any actions  
26 taken or orders made, other than as specifically provided in this  
27 chapter, or as otherwise authorized by law.

1       (2)(a) Any person committed or detained pursuant to this chapter  
2 shall be prohibited from possessing or accessing a personal computer  
3 if the resident's individualized treatment plan states that access to  
4 a computer is harmful to bringing about a positive response to a  
5 specific and certain phase or course of treatment.

6       (b) A person who is prohibited from possessing or accessing a  
7 personal computer under (a) of this subsection (2) shall be permitted  
8 to access a limited functioning personal computer capable of word  
9 processing and limited data storage on the computer only that does not  
10 have: (i) Internet access capability; (ii) an optical drive, external  
11 drive, universal serial bus port, or similar drive capability; or  
12 (iii) the capability to display photographs, images, videos, or motion  
13 pictures, or similar display capability from any drive or port  
14 capability listed under (ii) of this subsection (2)(b).

15       (c) This subsection (2) is not intended to create any right to the  
16 possession or use of a computer not previously recognized by  
17 Washington state or federal case law.

18       (3) Any person committed pursuant to this chapter has the right to  
19 adequate care and individualized treatment. The department of social  
20 and health services shall keep records detailing all medical, expert,  
21 and professional care and treatment received by a committed person,  
22 and shall keep copies of all reports of periodic examinations made  
23 pursuant to this chapter. All such records and reports shall be made  
24 available upon request only to: The committed person, his or her  
25 attorney, the prosecuting attorney, the court, the protection and  
26 advocacy agency, or another expert or professional person who, upon  
27 proper showing, demonstrates a need for access to such records.

28       ~~((3))~~(4) At the time a person is taken into custody or  
29 transferred into a facility pursuant to a petition under this chapter,  
30 the professional person in charge of such facility or his or her  
31 designee shall take reasonable precautions to inventory and safeguard  
32 the personal property of the persons detained or transferred. A copy  
33 of the inventory, signed by the staff member making it, shall be given  
34 to the person detained and shall, in addition, be open to inspection

1 to any responsible relative, subject to limitations, if any,  
2 specifically imposed by the detained person. For purposes of this  
3 subsection, "responsible relative" includes the guardian, conservator,  
4 attorney, spouse, parent, adult child, or adult brother or sister of  
5 the person. The facility shall not disclose the contents of the  
6 inventory to any other person without consent of the patient or order  
7 of the court.

8 ~~((4))~~(5) Nothing in this chapter prohibits a person presently  
9 committed from exercising a right presently available to him or her  
10 for the purpose of obtaining release from confinement, including the  
11 right to petition for a writ of habeas corpus.

12 ~~((5))~~(6) No indigent person may be conditionally released or  
13 unconditionally discharged under this chapter without suitable  
14 clothing, and the secretary shall furnish the person with such sum of  
15 money as is required by RCW 72.02.100 for persons without ample funds  
16 who are released from correctional institutions. As funds are  
17 available, the secretary may provide payment to the indigent persons  
18 conditionally released pursuant to this chapter consistent with the  
19 optional provisions of RCW 72.02.100 and 72.02.110, and may adopt  
20 rules to do so.

21 ~~((6))~~(7) If a civil commitment petition is dismissed, or a trier  
22 of fact determines that a person does not meet civil commitment  
23 criteria, the person shall be released within twenty-four hours of  
24 service of the release order on the superintendent of the special  
25 commitment center, or later by agreement of the person who is the  
26 subject of the petition.

27  
28 NEW SECTION. **Sec. 3.** If any provision of this act or its  
29 application to any person or circumstance is held invalid, the  
30 remainder of the act or the application of the provision to other  
31 persons or circumstances is not affected."

32  
33 Correct the title.  
34

**EFFECT:** Provides legislative findings regarding the discovery of pornography and other banned materials on the computers of residents of the Special Commitment Center. States the intent of the Legislature to limit residents' access to computers unless the computer access is related to therapeutic goals.

Prohibits a committed sexually violent predator from accessing or possessing a personal computer if the person's treatment plan states that computer access is harmful to bringing about a positive response to a phase or course of treatment.

Permits a sexually violent predator who is prohibited from accessing or possessing a personal computer to access a limited functioning personal computer that is only capable of word processing and that has limited data storage. Provides that the limited functioning personal computer must not have an optical drive, external drive, or USB port and must not have the capability to access the Internet or display photographs, images, videos, or motion pictures from the prohibited drives or ports.

Specifies that the act does not create a right to the use or possession of a computer that is not previously recognized in state or federal case law.

Adds a severability clause.

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