

SB 6308 - H AMD 1519

By Representative Kirby

WITHDRAWN 3/05/2010

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

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

25 ~~((3))~~(4) At the time a person is taken into custody or
26 transferred into a facility pursuant to a petition under this chapter,
27 the professional person in charge of such facility or his or her
28 designee shall take reasonable precautions to inventory and safeguard
29 the personal property of the persons detained or transferred. A copy
30 of the inventory, signed by the staff member making it, shall be given
31 to the person detained and shall, in addition, be open to inspection
32 to any responsible relative, subject to limitations, if any,
33 specifically imposed by the detained person. For purposes of this
34 subsection, "responsible relative" includes the guardian, conservator,

1 attorney, spouse, parent, adult child, or adult brother or sister of
2 the person. The facility shall not disclose the contents of the
3 inventory to any other person without consent of the patient or order
4 of the court.

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

9 ~~((5))~~(6) No indigent person may be conditionally released or
10 unconditionally discharged under this chapter without suitable
11 clothing, and the secretary shall furnish the person with such sum of
12 money as is required by RCW 72.02.100 for persons without ample funds
13 who are released from correctional institutions. As funds are
14 available, the secretary may provide payment to the indigent persons
15 conditionally released pursuant to this chapter consistent with the
16 optional provisions of RCW 72.02.100 and 72.02.110, and may adopt
17 rules to do so.

18 ~~((6))~~(7) If a civil commitment petition is dismissed, or a trier
19 of fact determines that a person does not meet civil commitment
20 criteria, the person shall be released within twenty-four hours of
21 service of the release order on the superintendent of the special
22 commitment center, or later by agreement of the person who is the
23 subject of the petition.

24
25 NEW SECTION. **Sec. 3.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected."

29
30 Correct the title.

31
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 computer that is only capable of word processing and that has limited data storage. Provides that the 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.

Adds a severability clause.

--- END ---