
HOUSE BILL 3114

State of Washington

61st Legislature

2010 Regular Session

By Representatives Klippert, O'Brien, McCune, Dammeier, Wallace, Simpson, and Roach

Read first time 01/25/10. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to controlling computer access by residents of the
2 special commitment center; and amending RCW 71.09.080.

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

4 **Sec. 1.** RCW 71.09.080 and 2009 c 409 s 7 are each amended to read
5 as follows:

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

11 (2) Any person committed or detained pursuant to this chapter shall
12 be prohibited from possessing or accessing a personal computer unless
13 the resident's individualized treatment plan states that access to a
14 computer is necessary or beneficial in bringing about a positive
15 response to a specific and certain phase or course of treatment. A
16 person who is prohibited from possessing or accessing a personal
17 computer under this subsection shall be permitted to access a limited
18 functioning device only capable of word processing and limited data
19 storage.

1 (3) Any person committed pursuant to this chapter has the right to
2 adequate care and individualized treatment. The department of social
3 and health services shall keep records detailing all medical, expert,
4 and professional care and treatment received by a committed person, and
5 shall keep copies of all reports of periodic examinations made pursuant
6 to this chapter. All such records and reports shall be made available
7 upon request only to: The committed person, his or her attorney, the
8 prosecuting attorney, the court, the protection and advocacy agency, or
9 another expert or professional person who, upon proper showing,
10 demonstrates a need for access to such records.

11 ~~((+3))~~ (4) At the time a person is taken into custody or
12 transferred into a facility pursuant to a petition under this chapter,
13 the professional person in charge of such facility or his or her
14 designee shall take reasonable precautions to inventory and safeguard
15 the personal property of the persons detained or transferred. A copy
16 of the inventory, signed by the staff member making it, shall be given
17 to the person detained and shall, in addition, be open to inspection to
18 any responsible relative, subject to limitations, if any, specifically
19 imposed by the detained person. For purposes of this subsection,
20 "responsible relative" includes the guardian, conservator, attorney,
21 spouse, parent, adult child, or adult brother or sister of the person.
22 The facility shall not disclose the contents of the inventory to any
23 other person without consent of the patient or order of the court.

24 ~~((+4))~~ (5) Nothing in this chapter prohibits a person presently
25 committed from exercising a right presently available to him or her for
26 the purpose of obtaining release from confinement, including the right
27 to petition for a writ of habeas corpus.

28 ~~((+5))~~ (6) No indigent person may be conditionally released or
29 unconditionally discharged under this chapter without suitable
30 clothing, and the secretary shall furnish the person with such sum of
31 money as is required by RCW 72.02.100 for persons without ample funds
32 who are released from correctional institutions. As funds are
33 available, the secretary may provide payment to the indigent persons
34 conditionally released pursuant to this chapter consistent with the
35 optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules
36 to do so.

37 ~~((+6))~~ (7) If a civil commitment petition is dismissed, or a trier
38 of fact determines that a person does not meet civil commitment

1 criteria, the person shall be released within twenty-four hours of
2 service of the release order on the superintendent of the special
3 commitment center, or later by agreement of the person who is the
4 subject of the petition.

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