
SENATE BILL 5218

State of Washington

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By Senators Carrell, Hargrove, Swecker, Regala, Brandland, Hewitt, King, Stevens, Schoesler, Pridemore, Delvin, Pflug, Tom, Kilmer, and Shin

Read first time 01/16/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to controlling computer access by residents at the
2 special commitment center and persons released to less restrictive
3 alternatives; and amending RCW 71.09.080 and 71.09.092.

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

5 **Sec. 1.** RCW 71.09.080 and 1995 c 216 s 8 are each amended to read
6 as follows:

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

12 (2) Any person committed or detained pursuant to this chapter shall
13 be prohibited from accessing a personal computer unless the resident's
14 individualized treatment plan states that access to a computer is
15 necessary to bring about a positive response to a specific and certain
16 phase or course of treatment.

17 (3) Any person committed pursuant to this chapter has the right to
18 adequate care and individualized treatment. The department of social
19 and health services shall keep records detailing all medical, expert,

1 and professional care and treatment received by a committed person, and
2 shall keep copies of all reports of periodic examinations made pursuant
3 to this chapter. All such records and reports shall be made available
4 upon request only to: The committed person, his or her attorney, the
5 prosecuting attorney, the court, the protection and advocacy agency, or
6 another expert or professional person who, upon proper showing,
7 demonstrates a need for access to such records.

8 ~~((+3))~~ (4) At the time a person is taken into custody or
9 transferred into a facility pursuant to a petition under this chapter,
10 the professional person in charge of such facility or his or her
11 designee shall take reasonable precautions to inventory and safeguard
12 the personal property of the persons detained or transferred. A copy
13 of the inventory, signed by the staff member making it, shall be given
14 to the person detained and shall, in addition, be open to inspection to
15 any responsible relative, subject to limitations, if any, specifically
16 imposed by the detained person. For purposes of this subsection,
17 "responsible relative" includes the guardian, conservator, attorney,
18 spouse, parent, adult child, or adult brother or sister of the person.
19 The facility shall not disclose the contents of the inventory to any
20 other person without consent of the patient or order of the court.

21 ~~((+4))~~ (5) Nothing in this chapter prohibits a person presently
22 committed from exercising a right presently available to him or her for
23 the purpose of obtaining release from confinement, including the right
24 to petition for a writ of habeas corpus.

25 ~~((+5))~~ (6) No indigent person may be conditionally released or
26 unconditionally discharged under this chapter without suitable
27 clothing, and the secretary shall furnish the person with such sum of
28 money as is required by RCW 72.02.100 for persons without ample funds
29 who are released from correctional institutions. As funds are
30 available, the secretary may provide payment to the indigent persons
31 conditionally released pursuant to this chapter consistent with the
32 optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules
33 to do so.

34 **Sec. 2.** RCW 71.09.092 and 1995 c 216 s 10 are each amended to read
35 as follows:

36 Before the court may enter an order directing conditional release
37 to a less restrictive alternative, it must find the following: (1) The

1 person will be treated by a treatment provider who is qualified to
2 provide such treatment in the state of Washington under chapter 18.155
3 RCW; (2) the treatment provider has presented a specific course of
4 treatment and has agreed to assume responsibility for such treatment
5 and will report progress to the court on a regular basis, and will
6 report violations immediately to the court, the prosecutor, the
7 supervising community corrections officer, and the superintendent of
8 the special commitment center; (3) housing exists that is sufficiently
9 secure to protect the community, and the person or agency providing
10 housing to the conditionally released person has agreed in writing to
11 accept the person, to provide the level of security required by the
12 court, and immediately to report to the court, the prosecutor, the
13 supervising community corrections officer, and the superintendent of
14 the special commitment center if the person leaves the housing to which
15 he or she has been assigned without authorization; (4) the person is
16 willing to comply with the treatment provider and all requirements
17 imposed by the treatment provider and by the court; and (5) the person
18 is willing to comply with supervision requirements imposed by the
19 department of corrections.

20 Any person found eligible for conditional release to a less
21 restrictive alternative shall be prohibited from accessing a personal
22 computer and accessing the internet unless the person's individualized
23 treatment plan states that access to a computer is necessary to bring
24 about a positive response to a specific and certain phase or course of
25 treatment.

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