

# SENATE BILL REPORT

## SB 6022

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As of January 27, 2014

**Title:** An act relating to the protection of state hospital workers.

**Brief Description:** Protecting state hospital workers.

**Sponsors:** Senators O'Ban, Keiser and Conway.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/20/14.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Kevin Black (786-7747)

**Background:** The state of Washington operates three state hospitals for the care of adults and children with mental illness. These are the Western State Hospital in Lakewood; the Child Study and Treatment Center in Lakewood; and Eastern State Hospital in Medical Lake.

A simple assault may be charged as the crime of assault in the third degree, a class C felony, when the victim is a certain type of professional who is assaulted while performing official duties. This includes a transit operator or driver, a school bus driver, a firefighter, a law enforcement officer, a judicial officer or court-related employee, a nurse, a physician, or a health care provider regulated under Title 18 and employed by or contracted with a hospital regulated under chapter 70.41 RCW. Chapter 70.41 RCW explicitly excludes psychiatric hospitals and other institutions intended for use in the diagnosis and care of persons suffering from mental illness.

A simple assault may also be charged as custodial assault, a class C felony, when the victim is a juvenile corrections worker, adult corrections worker, or community corrections worker who is performing official duties at the time of the assault.

**Summary of Bill:** A person is guilty of assault in the third degree if that person assaults an employee, contractor, intern, or volunteer of a state hospital who was performing official duties at the time of the assault. The definition of health care provider for the purposes of assault in the third degree is expanded to include persons regulated under Title 18 and employed by or contracted with a psychiatric hospital or state hospital.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: I am out of work for a workplace injury for the second time in less than three years because I was the victim of an assault at Western State Hospital. When I was assaulted the first time, the prosecutors told me they could not prosecute it. The second assault is being prosecuted as a gross misdemeanor. This bill would level the playing field for state hospital employees with every other medical provider in the state. Right now, the patients can act without consequences, and they openly tell us that they know that. Please hold them accountable. Just because patients are in the hospital does not mean they are incapable of understanding the difference between right and wrong. This bill makes sense because it validates the work that state hospital workers do. Prosecutors and law enforcement still have to choose to cooperate, but this law would set a standard to start from. The lack of capacity and staffing in state hospitals also needs to be addressed in order for hospitals to be safer. State hospitals are the most dangerous workplaces in Washington.

**Persons Testifying:** PRO: Larry Thompson, Western State Hospital employee; Matt Zuvich, WA Federation of State Employees.