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SENATE BILL 5968

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State of Washington                      63rd Legislature                      2014 Regular Session

By Senators Dammeier, Cleveland, Tom, King, Keiser, and O'Ban

Read first time 01/13/14. Referred to Committee on Law & Justice.

1            AN ACT Relating to the safe care of inmates and suspects in  
2 Washington hospitals; adding a new section to chapter 70.41 RCW; and  
3 adding a new chapter to Title 10 RCW.

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

5            NEW SECTION.    **Sec. 1.**    The legislature finds that violence in  
6 health care settings, particularly emergency departments, is a serious  
7 concern. In 2009 there were two thousand fifty assaults and violent  
8 acts reported by registered nurses requiring an average of four days  
9 away from work (BLS, Private Industry, State and Local Government,  
10 2011). Further, the health care sector leads all other industries,  
11 with forty-five percent of all nonfatal assaults against workers  
12 resulting in lost work days in the United States (BLS, 2006). The  
13 legislature is particularly concerned about practices that result in  
14 individuals who are convicted or suspected of violent crimes or crimes  
15 of a sexual nature being unattended by law enforcement in hospitals.  
16 Such practices result in unreasonable risks to patients, health care  
17 providers, and hospital visitors. The legislature also finds that  
18 caring for individuals convicted or suspected of violent crimes or  
19 crimes of a sexual nature requires intensive resources on the part of

1 health care providers. It is the intent of the legislature to ensure  
2 such individuals who are brought or caused to be brought to a hospital  
3 by law enforcement are appropriately guarded by law enforcement.

4 NEW SECTION. **Sec. 2.** (1) "Hospital" has the same meaning as  
5 defined in RCW 70.41.020.

6 (2) "Law enforcement agency" means a general authority Washington  
7 law enforcement agency as defined in RCW 10.93.020 and a limited  
8 authority Washington law enforcement agency as defined in RCW  
9 10.93.020. The agencies include, but are not limited to, the  
10 following:

11 (a) The Washington state patrol;

12 (b) All law enforcement agencies and police departments of any  
13 political subdivision of the state; and

14 (c) The department of corrections.

15 (3) "Law enforcement officer" includes police officers, the  
16 attorney general and the attorney general's deputies, sheriffs and  
17 their regular deputies, corrections officers, and tribal law  
18 enforcement officers. "Law enforcement officer" also includes an  
19 employee or agent of:

20 (a) A law enforcement agency as described under subsection (2) of  
21 this section; or

22 (b) A federal governmental agency.

23 A law enforcement officer is also authorized by law to engage in or  
24 supervise the prevention, detection, investigation, or prosecution of,  
25 or the incarceration of any person for, any violation of law, and who  
26 has statutory powers of arrest.

27 (4) "Serious violent offense" is a subcategory of violent offense  
28 and means:

29 (a)(i) Murder in the first degree;

30 (ii) Homicide by abuse;

31 (iii) Murder in the second degree;

32 (iv) Manslaughter in the first degree;

33 (v) Assault in the first degree;

34 (vi) Kidnapping in the first degree;

35 (vii) Rape in the first degree;

36 (viii) Assault of a child in the first degree; or

1 (ix) An attempt, criminal solicitation, or criminal conspiracy to  
2 commit one of the crimes under this subsection (4)(a); or  
3 (b) Any federal or out-of-state conviction for an offense that  
4 under the laws of this state would be a felony classified as a serious  
5 violent offense under (a) of this subsection.  
6 (5) "Sex offense" means:  
7 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than  
8 RCW 9A.44.132;  
9 (ii) A violation of RCW 9A.64.020;  
10 (iii) A felony that is a violation of chapter 9.68A RCW other than  
11 RCW 9.68A.080;  
12 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,  
13 criminal solicitation, or criminal conspiracy to commit such crimes; or  
14 (v) A felony violation of RCW 9A.44.132(1) (failure to register) if  
15 the person has been convicted of violating RCW 9A.44.132(1) (failure to  
16 register) on at least one prior occasion;  
17 (b) Any conviction for a felony offense in effect at any time prior  
18 to July 1, 1976, that is comparable to a felony classified as a sex  
19 offense in (a) of this subsection;  
20 (c) A felony with a finding of sexual motivation under RCW  
21 9.94A.835 or 13.40.135; or  
22 (d) Any federal or out-of-state conviction for an offense that  
23 under the laws of this state would be a felony classified as a sex  
24 offense under (a) of this subsection.  
25 (6) "Violent offense" means any of the following felonies:  
26 (a) Any felony defined under any law as a class A felony or an  
27 attempt to commit a class A felony;  
28 (b) Criminal solicitation of or criminal conspiracy to commit a  
29 class A felony;  
30 (c) Manslaughter in the first degree;  
31 (d) Manslaughter in the second degree;  
32 (e) Indecent liberties, if committed by forcible compulsion;  
33 (f) Kidnapping in the second degree;  
34 (g) Arson in the second degree;  
35 (h) Assault in the second degree;  
36 (i) Assault of a child in the second degree;  
37 (j) Extortion in the first degree;  
38 (k) Robbery in the second degree; or

1 (1) Drive-by shooting.

2 NEW SECTION. **Sec. 3.** All individuals suspected or convicted of a  
3 serious violent offense, sex offense, or violent offense who are  
4 brought or caused to be brought to a hospital by a law enforcement  
5 officer or at the direction of a law enforcement agency must be:

6 (1) Identified as an individual suspected or convicted of a serious  
7 violent offense, sex offense, or violent offense by the law enforcement  
8 officer or law enforcement agency to the responsible hospital  
9 department manager and staff providing care; and

10 (2) Accompanied at all times in the hospital by a law enforcement  
11 officer or guard supplied by the responsible law enforcement agency,  
12 except when otherwise directed by the individual's attending physician.

13 NEW SECTION. **Sec. 4.** In no case may the hospital be billed or  
14 charged for the expense of the law enforcement officer or guard  
15 accompanying an individual suspected or convicted of a serious violent  
16 offense, sex offense, or violent offense while the individual receives  
17 treatment.

18 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute  
19 a new chapter in Title 10 RCW.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.41 RCW  
21 to read as follows:

22 All individuals suspected or convicted of a serious violent  
23 offense, sex offense, or violent offense who are brought or caused to  
24 be brought to a hospital by a law enforcement officer or at the  
25 direction of a law enforcement agency must be accompanied by a law  
26 enforcement officer or guard supplied by the responsible law  
27 enforcement agency as directed in sections 1 through 4 of this act.

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