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SENATE BILL 6548

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State of Washington

60th Legislature

2008 Regular Session

By Senator Carrell

Read first time 01/17/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to prohibiting patients at the special commitment  
2 center and less restrictive alternatives from having computer access;  
3 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 patient'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 and that the licensed care provider  
17 determines and will be responsible to ensure that such access will  
18 enable adequate care to be provided.

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.

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

3       Before the court may enter an order directing conditional release  
4 to a less restrictive alternative, it must find the following: (1) The  
5 person will be treated by a treatment provider who is qualified to  
6 provide such treatment in the state of Washington under chapter 18.155  
7 RCW; (2) the treatment provider has presented a specific course of  
8 treatment and has agreed to assume responsibility for such treatment  
9 and will report progress to the court on a regular basis, and will  
10 report violations immediately to the court, the prosecutor, the  
11 supervising community corrections officer, and the superintendent of  
12 the special commitment center; (3) housing exists that is sufficiently  
13 secure to protect the community, and the person or agency providing  
14 housing to the conditionally released person has agreed in writing to  
15 accept the person, to provide the level of security required by the  
16 court, and immediately to report to the court, the prosecutor, the  
17 supervising community corrections officer, and the superintendent of  
18 the special commitment center if the person leaves the housing to which  
19 he or she has been assigned without authorization; (4) the person is  
20 willing to comply with the treatment provider and all requirements  
21 imposed by the treatment provider and by the court; and (5) the person  
22 is willing to comply with supervision requirements imposed by the  
23 department of corrections. Any person found eligible for conditional  
24 release to a less restrictive alternative shall be prohibited from  
25 accessing a personal computer and accessing the internet unless the  
26 patient's individualized treatment plan states that access to a  
27 computer is necessary to bring about a positive response to a specific  
28 and certain phase or course of treatment and that the licensed care  
29 provider determines and will be responsible for ensuring that such  
30 access will enable adequate care to be provided.

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