

HB 3114 - H AMD 1512

By Representative Klippert

NOT CONSIDERED 3/11/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that there have been
4 several high profile egregious examples where special commitment
5 center staff has discovered illegal child pornography, other
6 pornography, and other banned material on residents' computers. The
7 legislature also finds that activities at the special commitment
8 center must meet the treatment goals of the center, and computer usage
9 is one such activity. The legislature also finds that by linking
10 computer usage to treatment plans, residents are less likely to have
11 prohibited materials on their computers. Therefore, the legislature
12 intends that residents' computer usage must meet their therapeutic
13 goals. Otherwise, if not related to treatment goals, usage will be
14 limited in order to reduce residents' access to prohibited materials.

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16 **Sec. 2.** RCW 71.09.080 and 2009 c 409 s 7 are each amended to read
17 as follows:

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

23 (2) Any person committed pursuant to this chapter has the right to
24 adequate care and individualized treatment. Unless the resident's
25 individualized treatment plan states that access to a computer is
26 necessary or beneficial in bringing about a positive response to a
27 specific and certain phase or course of treatment, that resident shall

1 be prohibited from possessing or accessing a personal computer. A
2 resident who is prohibited from possessing or accessing a personal
3 computer under this subsection shall be permitted to access a limited
4 functioning device that has no capability to display photographs,
5 still or moving pictures or virtual images, no optical drives,
6 external drives, universal serial bus accessible ports, or similar
7 drive capability, and no internet access capability.

8 (3) The department of social and health services shall keep
9 records detailing all medical, expert, and professional care and
10 treatment received by a committed person, and shall keep copies of all
11 reports of periodic examinations made pursuant to this chapter. All
12 such records and reports shall be made available upon request only to:
13 The committed person, his or her attorney, the prosecuting attorney,
14 the court, the protection and advocacy agency, or another expert or
15 professional person who, upon proper showing, demonstrates a need for
16 access to such records.

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

31 ~~((+4))~~(5) Nothing in this chapter prohibits a person presently
32 committed from exercising a right presently available to him or her
33 for the purpose of obtaining release from confinement, including the
34 right to petition for a writ of habeas corpus.

1 ~~((5))~~(6) No indigent person may be conditionally released or
2 unconditionally discharged under this chapter without suitable
3 clothing, and the secretary shall furnish the person with such sum of
4 money as is required by RCW 72.02.100 for persons without ample funds
5 who are released from correctional institutions. As funds are
6 available, the secretary may provide payment to the indigent persons
7 conditionally released pursuant to this chapter consistent with the
8 optional provisions of RCW 72.02.100 and 72.02.110, and may adopt
9 rules to do so.

10 ~~((6))~~(7) If a civil commitment petition is dismissed, or a trier
11 of fact determines that a person does not meet civil commitment
12 criteria, the person shall be released within twenty-four hours of
13 service of the release order on the superintendent of the special
14 commitment center, or later by agreement of the person who is the
15 subject of the petition."

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17 Correct the title.

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EFFECT: Provides legislative findings regarding the discovery of pornography and other banned materials on the computers of resident of the Special Commitment Center. States the intent of the Legislature to limit residents' access to computers unless the computer access is related to therapeutic goals.

Prohibits a committed sexually violent predator from accessing or possessing a personal computer unless the person's treatment plan states that computer access is necessary or beneficial in bringing about a positive response to a phase or course of treatment.

Permits access to a limited functioning device that does not have: the capability to display photographs, still or moving pictures, or virtual images; the capability to access the Internet; and an optical drive, external drive, USB accessible port, or similar drive.

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