

CERTIFICATION OF ENROLLMENT

SENATE BILL 6308

61st Legislature
2010 Regular Session

Passed by the Senate March 9, 2010
YEAS 48 NAYS 0

President of the Senate

Passed by the House March 5, 2010
YEAS 97 NAYS 1

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6308** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6308

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senators Carrell, King, Marr, Stevens, Becker, and Roach

Read first time 01/12/10. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to controlling computer access by residents of the
2 special commitment center; amending RCW 71.09.080; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that there have been
6 ongoing, egregious examples of certain residents of the special
7 commitment center having illegal child pornography, other prohibited
8 pornography, and other banned materials on their computers. The
9 legislature also finds that activities at the special commitment center
10 must be designed and implemented to meet the treatment goals of the
11 special commitment center, and proper and appropriate computer usage is
12 one such activity. The legislature also finds that by linking computer
13 usage to treatment plans, residents are less likely to have prohibited
14 materials on their computers and are more likely to successfully
15 complete their treatment plans. Therefore, the legislature finds that
16 residents' computer usage in compliance with conditions placed on
17 computer usage is essential to achieving their therapeutic goals. If
18 residents' usage of computers is not in compliance or is not related to

1 meeting their treatment goals, computer usage will be limited in order
2 to prevent or reduce residents' access to prohibited materials.

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

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

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

15 (b) A person who is prohibited from possessing or accessing a
16 personal computer under (a) of this subsection shall be permitted to
17 access a limited functioning personal computer capable of word
18 processing and limited data storage on the computer only that does not
19 have: (i) Internet access capability; (ii) an optical drive, external
20 drive, universal serial bus port, or similar drive capability; or (iii)
21 the capability to display photographs, images, videos, or motion
22 pictures, or similar display capability from any drive or port
23 capability listed under (b)(ii) of this subsection.

24 (3) Any person committed pursuant to this chapter has the right to
25 adequate care and individualized treatment. The department of social
26 and health services shall keep records detailing all medical, expert,
27 and professional care and treatment received by a committed person, and
28 shall keep copies of all reports of periodic examinations made pursuant
29 to this chapter. All such records and reports shall be made available
30 upon request only to: The committed person, his or her attorney, the
31 prosecuting attorney, the court, the protection and advocacy agency, or
32 another expert or professional person who, upon proper showing,
33 demonstrates a need for access to such records.

34 ~~((+3))~~ (4) At the time a person is taken into custody or
35 transferred into a facility pursuant to a petition under this chapter,
36 the professional person in charge of such facility or his or her
37 designee shall take reasonable precautions to inventory and safeguard

1 the personal property of the persons detained or transferred. A copy
2 of the inventory, signed by the staff member making it, shall be given
3 to the person detained and shall, in addition, be open to inspection to
4 any responsible relative, subject to limitations, if any, specifically
5 imposed by the detained person. For purposes of this subsection,
6 "responsible relative" includes the guardian, conservator, attorney,
7 spouse, parent, adult child, or adult brother or sister of the person.
8 The facility shall not disclose the contents of the inventory to any
9 other person without consent of the patient or order of the court.

10 ~~((+4))~~ (5) Nothing in this chapter prohibits a person presently
11 committed from exercising a right presently available to him or her for
12 the purpose of obtaining release from confinement, including the right
13 to petition for a writ of habeas corpus.

14 ~~((+5))~~ (6) No indigent person may be conditionally released or
15 unconditionally discharged under this chapter without suitable
16 clothing, and the secretary shall furnish the person with such sum of
17 money as is required by RCW 72.02.100 for persons without ample funds
18 who are released from correctional institutions. As funds are
19 available, the secretary may provide payment to the indigent persons
20 conditionally released pursuant to this chapter consistent with the
21 optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules
22 to do so.

23 ~~((+6))~~ (7) If a civil commitment petition is dismissed, or a trier
24 of fact determines that a person does not meet civil commitment
25 criteria, the person shall be released within twenty-four hours of
26 service of the release order on the superintendent of the special
27 commitment center, or later by agreement of the person who is the
28 subject of the petition.

29 NEW SECTION. **Sec. 3.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

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