S-3290.1   _____

SENATE BILL 6010
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State of Washington   62nd Legislature   2012 Regular Session

By Senators Carrell, Roach, Becker, Conway, Schoesler, Regala, Delvin, Stevens, and Shin

Read first time 01/09/12.   Referred to Committee on Human Services & Corrections.

1   AN ACT Relating to worker safety at state hospitals; amending RCW
2   9A.36.100; adding a new section to chapter 10.77 RCW; and adding a new
3   section to chapter 70.48 RCW.

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

5   <u>NEW SECTION.</u> **Sec. 1.** A new section is added to chapter 10.77 RCW
6   to read as follows:
7   (1) At the request of a state hospital employee, the secretary
8   shall designate an expert to evaluate a patient at a state hospital for
9   competency to stand trial if the employee was assaulted by the patient
10   in the course of the employee's duties within the last one hundred
11   eighty days and provides the secretary with a police report documenting
12   the assault. The expert shall provide his or her opinion in writing to
13   the police agency which investigated the assault within fifteen days of
14   the employee's request.
15   (2) The investigating police agency may forward the expert's
16   opinion to a prosecutor's office to assist the prosecutor in making a
17   charging decision in the case.

Sec. 2. RCW 9A.36.100 and 1988 c 151 s 1 are each amended to read
as follows:

(1) A person is guilty of custodial assault if that person is not
guilty of an assault in the first or second degree and where the
person:

(a) Assaults a full or part-time staff member or volunteer, any
educational personnel, any personal service provider, or any vendor or
agent thereof at any juvenile corrections institution or local juvenile
detention facilities who was performing official duties at the time of
the assault;

(b) Assaults a full or part-time staff member or volunteer, any
educational personnel, any personal service provider, or any vendor or
agent thereof at any adult corrections institution or local adult
detention facilities who was performing official duties at the time of
the assault;

(c)((~~(i)~~)) Assaults a full or part-time community correction<u>s</u>
officer<u>, other full or part-time community corrections office employee,</u>
<u>or volunteer</u> while the officer<u>, employee, or volunteer</u> is performing
official duties; or

((~~(ii) Assaults any other full or part-time employee who is~~
~~employed in a community corrections office while the employee is~~
~~performing official duties; or~~))

(d) Assaults ((~~any volunteer who was assisting a person described~~
~~in (c) of this subsection~~)) <u>a full or part-time staff member or</u>
<u>volunteer, any educational personnel, any personal service provider, or</u>
<u>any vendor or agent thereof at any state hospital under RCW 72.23.010</u>
<u>who was performing official duties</u> at the time of the assault.

(2) Custodial assault is a class C felony.

<u>NEW SECTION.</u> **Sec. 3.** A new section is added to chapter 70.48 RCW
to read as follows:

(1) When a patient of a state hospital is arrested and booked into
jail based on a new charge allegedly committed while the patient was
being involuntarily treated at the state hospital, the state hospital
shall certify to the jail the patient's county of origin, which for the
purpose of this section is defined as the county which ordered the
original commitment of the patient.

1   (2) A state hospital patient who is detained in jail solely based
 2   on charges that originated while the patient was being involuntarily
 3   treated at a state hospital is the financial responsibility of the
 4   county of origin as defined in subsection (1) of this section for the
 5   purpose of the cost of incarceration while the defendant is awaiting
 6   trial.
 7   (3) A jail may not refuse to book a patient of a state hospital
 8   solely based on the patient's status as a state hospital patient, but
 9   may consider other relevant factors that apply to the individual
10   circumstances in each case.

--- **END** ---

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