

FINAL BILL REPORT

SSB 5010

C 72 L 99

Synopsis as Enacted

Brief Description: Providing disciplinary sanctions for sexual misconduct by employees of custodial agencies.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Long, Goings, Swecker, Winsley, Oke, Benton and Costa).

Senate Committee on Human Services & Corrections

House Committee on Criminal Justice & Corrections

Background: Both the Department of Corrections (DOC) and the Department of Social and Health Services (DSHS) hire employees and contractors for positions where the employee has contact with inmates or offenders. Current law does not prevent the employee or contractor from having sexual intercourse or sexual contact with a person over whom he or she has supervisory authority.

Summary: Sexual intercourse or sexual contact between an employee of DOC or DSHS or a departmental contractor and an inmate or offender is defined as employee misconduct.

The secretaries of the departments must suspend the employment of an employee or require the removal of a contractor's employee who the secretaries have reasonable cause to believe has engaged in sexual misconduct with an offender or inmate.

If the misconduct is proved by a preponderance of the evidence, the secretaries must institute termination proceedings against an employee or require the contractor to permanently remove the employee from any position with any access to an offender.

Before the secretaries renew a contract with a contractor whose employee was subject to removal for sexual misconduct, the secretaries must determine whether the contractor has made significant progress in reducing the likelihood of sexual misconduct by its employees. This determination must consider the steps the contractor has taken to improve hiring, training, and monitoring practices, and whether the employee whose misconduct caused his or her removal is still employed by the contractor.

Votes on Final Passage:

Senate	48	0
House	93	0

Effective: July 25, 1999