

# SENATE BILL REPORT

## SB 5010

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As Reported By Senate Committee On:  
Human Services & Corrections, February 5, 1999

**Title:** An act relating to sexual misconduct by employees of custodial agencies.

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

**Sponsors:** Senators Kohl-Welles, Hargrove, Long, Goings, Swecker, Winsley, Oke, Benton and Costa.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/22/99, 2/5/99 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5010 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

**Staff:** Fara Daun (786-7459)

**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 of Substitute Bill:** 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.

**Substitute Bill Compared to Original Bill:** The substitute bill makes technical clarifications.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This is an important concept. DOC is thanked for its efforts. Washington is one of few states that doesn't have a law prohibiting this. This bill provides due process protections.

**Testimony Against:** None.

**Testified:** Senator Kohl-Welles (pro).