

2 **HB 2672** - S COMM AMD  
3 By Committee on Judiciary

4 ADOPTED 03/02/02

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24 RCW  
8 to read as follows:

9 (1) A licensed service provider or regional support network, acting  
10 in the course of the provider's or network's duties under this chapter,  
11 is not liable for civil damages resulting from the injury or death of  
12 another caused by a dangerous mentally ill offender who is a client of  
13 the provider or network, unless the act or omission of the provider or  
14 network constitutes:

15 (a) Gross negligence;

16 (b) Willful or wanton misconduct; or

17 (c) A breach of the duty to warn of and protect from a client's  
18 threatened violent behavior if the client has communicated a serious  
19 threat of physical violence against a reasonably ascertainable victim  
20 or victims.

21 (2) In addition to any other requirements to report violations, the  
22 licensed service provider and regional support network shall report an  
23 offender's expressions of intent to harm or other predatory behavior,  
24 regardless of whether there is an ascertainable victim, in progress  
25 reports and other established processes that enable courts and  
26 supervising entities to assess and address the progress and  
27 appropriateness of treatment.

28 (3) A licensed service provider's or regional support network's  
29 mere act of treating a dangerous mentally ill offender is not  
30 negligence. Nothing in this subsection alters the licensed service  
31 provider's or regional support network's normal duty of care with  
32 regard to the client.

33 (4) The limited liability provided by this section applies only to  
34 the conduct of licensed service providers and regional support networks  
35 and does not apply to conduct of the state.

1 (5) For purposes of this section, "dangerous mentally ill offender"  
2 means a person who has been identified under RCW 72.09.370 as an  
3 offender who: (a) Is reasonably believed to be dangerous to himself or  
4 herself or others; and (b) has a mental disorder."

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8 On page 1, line 2 of the title, after "offenders;" strike the  
9 remainder of the title and insert "and adding a new section to chapter  
10 71.24 RCW."

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