
SENATE BILL 5465

State of Washington

57th Legislature

2001 Regular Session

By Senators Costa, Hargrove and Long

Read first time 01/24/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to sex offender treatment providers; reenacting and
2 amending RCW 18.155.020 and 18.155.030; adding a new section to chapter
3 18.155 RCW; adding a new section to chapter 4.24 RCW; adding a new
4 section to chapter 71.09 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the state needs
7 an increasing number of certified sex offender treatment providers to
8 treat sexually violent predators and meet the state's commitment to
9 long-term treatment, help reduce recidivism, and more adequately
10 provide for the community. The legislature recognizes that these
11 treatment providers offer a valuable service to the people of
12 Washington and may experience difficulty maintaining adequate liability
13 protection given the inherent uncertainties of providing treatment to
14 sexually violent predators. The legislature intends to provide very
15 limited immunity, for instances of simple negligence only, to certified
16 sex offender treatment providers for their treatment decisions
17 involving sexually violent predators released to a less restrictive
18 alternative under chapter 71.09 RCW.

1 **Sec. 2.** RCW 18.155.020 and 2000 c 171 s 33 and 2000 c 28 s 38 are
2 each reenacted and amended to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter:

5 (1) "Certified sex offender treatment provider" means a licensed,
6 certified, or registered health professional who is certified to
7 examine and treat sex offenders pursuant to RCW 9.94A.670 and 13.40.160
8 and sexually violent predators under chapter 71.09 RCW.

9 (2) "Department" means the department of health.

10 (3) "Secretary" means the secretary of health.

11 (4) "Sex offender treatment provider" means a person who counsels
12 or treats sex offenders accused of or convicted of a sex offense as
13 defined by RCW 9.94A.030.

14 **Sec. 3.** RCW 18.155.030 and 2000 c 171 s 34 and 2000 c 28 s 39 are
15 each reenacted and amended to read as follows:

16 (1) No person shall represent himself or herself as a certified sex
17 offender treatment provider without first applying for and receiving a
18 certificate pursuant to this chapter.

19 (2) Only a certified sex offender treatment provider may perform or
20 provide the following services:

21 (a) Evaluations conducted for the purposes of and pursuant to RCW
22 9.94A.670 and 13.40.160;

23 (b) Treatment of convicted sex offenders who are sentenced and
24 ordered into treatment pursuant to RCW 9.94A.670 and adjudicated
25 juvenile sex offenders who are ordered into treatment pursuant to RCW
26 13.40.160;

27 (c) Treatment of sexually violent predators who are conditionally
28 released to a less restrictive alternative pursuant to chapter 71.09
29 RCW.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.155 RCW
31 to read as follows:

32 A certified sex offender treatment provider, acting in the course
33 of his or her duties, providing treatment to a sexually violent
34 predator who has been conditionally released to a less restrictive
35 alternative pursuant to chapter 71.09 RCW is not liable for civil
36 damages resulting from any act or omission in the rendering of

1 treatment other than acts or omissions constituting gross negligence or
2 willful or wanton misconduct.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 4.24 RCW
4 to read as follows:

5 A certified sex offender treatment provider is immune from
6 liability for acts or omissions not constituting gross negligence or
7 willful or wanton misconduct when providing treatment as provided in
8 section 4 of this act.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 71.09 RCW
10 to read as follows:

11 (1) Examinations and treatment of sexually violent predators who
12 are conditionally released to a less restrictive alternative under this
13 chapter shall be conducted only by sex offender treatment providers
14 certified by the department of health under chapter 18.155 RCW unless
15 the court or the department of social and health services finds that:

16 (a) The person has already moved to another state or plans to move to
17 another state for reasons other than circumventing the certification
18 requirements; (b) the treatment provider is employed by the department;
19 or (c)(i) no certified providers are available to provide treatment
20 within a reasonable geographic distance of the person's home, as
21 determined in rules adopted by the department of social and health
22 services; and (ii) the evaluation and treatment plan comply with the
23 rules adopted by the department of social and health services.

24 A treatment provider selected by a person under (c) of this
25 subsection, who is not certified by the department of health, shall
26 consult with a certified provider during the person's period of
27 treatment to ensure compliance with the rules adopted by the department
28 of health. The frequency and content of the consultation shall be
29 based on the recommendation of the certified provider.

30 (2) A sexually violent predator's failure to participate in
31 treatment required as a condition of release to a less restrictive
32 alternative is a violation of the person's conditional release that
33 will not be excused on the basis that no treatment provider was located
34 within a reasonable geographic distance of the offender's home.

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