
SENATE BILL 5126

State of Washington

56th Legislature

1999 Regular Session

By Senators Kohl-Welles, Hargrove, Thibaudeau, Long, Deccio, Prentice, Winsley, McAuliffe, Oke and Costa

Read first time 01/13/1999. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to protection of persons placed in state-operated
2 or state-funded boarding homes; creating new sections; and declaring an
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the placement of
6 adults in state-operated or state-funded boarding homes must be done in
7 such a manner as to protect persons who are vulnerable to sexual
8 victimization from adults who are sexually aggressive. To achieve this
9 purpose, the legislature intends that the department of social and
10 health services develop a policy for assessing sexual aggressiveness
11 and vulnerability to sexual victimization of persons who are placed in
12 state-operated or state-funded boarding homes.

13 NEW SECTION. **Sec. 2.** (1) The department of social and health
14 services shall implement a policy for protecting persons placed in
15 state-operated or state-funded boarding homes who are vulnerable to
16 sexual victimization by other adults placed in those facilities who are
17 sexually aggressive. The policy shall include, at a minimum, the
18 following elements:

1 (a) Development and use of an assessment process for identifying
2 adults, prior to placement, who present a moderate or high risk of
3 sexually aggressive behavior for the purposes of this section. The
4 assessment process need not require that every person who is
5 adjudicated or convicted of a sex offense as defined in RCW 9.94A.030
6 be determined to be sexually aggressive, nor shall a sex offense
7 adjudication or conviction be required in order to determine that a
8 person is sexually aggressive. Instead, the assessment process shall
9 consider the individual circumstances of the person, including his or
10 her age, physical size, sexual abuse history, mental and emotional
11 condition, and other factors relevant to sexual aggressiveness;

12 (b) Development and use of an assessment process for identifying
13 persons, prior to placement, who may be vulnerable to victimization by
14 adults identified under (a) of this subsection as presenting a moderate
15 or high risk of sexually aggressive behavior. The assessment process
16 shall consider the individual circumstances of the person, including
17 his or her age, physical size, sexual abuse history, mental and
18 emotional condition, and other factors relevant to vulnerability;

19 (c) Development and use of placement criteria to avoid assigning
20 adults who present a moderate or high risk of sexually aggressive
21 behavior to the same sleeping quarters as persons assessed as
22 vulnerable to sexual victimization, except that they may be assigned to
23 the same multiple-person sleeping quarters if those sleeping quarters
24 are regularly monitored by visual surveillance equipment or staff
25 checks;

26 (d) Development and use of procedures for minimizing, within
27 available funds, unsupervised contact in state-operated or state-funded
28 boarding homes between adults presenting moderate to high risk of
29 sexually aggressive behavior and persons assessed as vulnerable to
30 sexual victimization. The procedures shall include taking reasonable
31 steps to prohibit any person placed in a state-operated or state-funded
32 boarding home who presents a moderate to high risk of sexually
33 aggressive behavior from entering any sleeping quarters other than the
34 one to which the person is assigned, unless accompanied by an
35 authorized adult, and increased twenty-four hour supervision of
36 sexually aggressive adults.

37 (2) For the purposes of this section, the following terms have the
38 following meanings:

1 (a) "Sleeping quarters" means the bedrooms or other rooms within a
2 boarding home designated for sleeping.

3 (b) "Unsupervised contact" means contact occurring outside the
4 sight or hearing of a responsible adult for more than a reasonable
5 period of time under the circumstances.

6 NEW SECTION. **Sec. 3.** The department of social and health services
7 shall report to the legislature by December 1, 1999, on the following:
8 (1) Development of the assessment process for identifying adults who
9 present a moderate to high risk of sexually aggressive behavior for the
10 purposes of sections 1 through 6 of this act; (2) development of the
11 assessment process for determining when a person may be vulnerable to
12 victimization by an adult who presents a moderate to high risk of
13 sexually aggressive behavior for the purposes of sections 1 through 6
14 of this act; and (3) development of the placement criteria and
15 procedures required under section 2 of this act.

16 NEW SECTION. **Sec. 4.** The policy developed under section 2 of this
17 act shall be implemented within the department of social and health
18 services by January 1, 2000.

19 NEW SECTION. **Sec. 5.** The department of social and health services
20 shall provide an evaluation of the implementation of sections 1 through
21 6 of this act to the legislature by December 1, 2000. The evaluation
22 shall identify: (1) The number of adults assessed as presenting a
23 moderate to high risk of sexually aggressive behavior; (2) the number
24 of adults assessed as being vulnerable to victimization; (3) the
25 effectiveness of avoiding assigning adults who present a moderate or
26 high risk of sexually aggressive behavior to the same sleeping quarters
27 as adults assessed as being vulnerable to sexual victimization by
28 utilizing the assessment and placement process set forth in section 2
29 of this act; (4) the effectiveness of minimizing, within available
30 funds, unsupervised contact between adults who present a moderate or
31 high risk of sexually aggressive behavior and adults assessed as being
32 vulnerable to sexual victimization utilizing the procedures set forth
33 in section 2 of this act; and (5) the number of adults identified as
34 moderate to high risk of sexually aggressive behavior who were placed
35 in state-operated or state-funded boarding homes with an adult who has
36 been identified as sexually vulnerable. The department shall identify

1 the resources necessary to provide separate placements for persons
2 identified in this subsection and shall identify alternative
3 administrative processes for managing the placement of these persons.

4 NEW SECTION. **Sec. 6.** For each person placed in a state-operated
5 or state-funded boarding home the secretary of social and health
6 services or the secretary's designee shall:

7 (1) Conduct assessments to determine the risk of: (a) Sexually
8 aggressive behavior as provided in section 2 of this act; and (b)
9 vulnerability to sexually aggressive behavior as provided in section 2
10 of this act;

11 (2) Develop placement criteria to avoid assigning persons who
12 present a moderate or high risk of sexually aggressive behavior to the
13 same sleeping quarters as persons assessed as vulnerable to sexual
14 victimization.

15 NEW SECTION. **Sec. 7.** The policy developed under section 6 of this
16 act shall be implemented by July 1, 2000.

17 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately.

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