

attorney; ~~((5))~~ (7) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult developmentally disabled person named in the registry; ~~((6))~~ (8) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and ~~((7))~~ (9) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor.

Passed the House March 27, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 165

[House Bill No. 620]

STATE PATROL—DISABILITY, LINE DUTY

AN ACT Relating to the state patrol; amending section 43.43.040, chapter 8, Laws of 1965 as amended by section 1, chapter 20, Laws of 1973 2nd ex. sess. and RCW 43.43.040; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 43.43.040, chapter 8, Laws of 1965 as amended by section 1, chapter 20, Laws of 1973 2nd ex. sess. and RCW 43.43.040 are each amended to read as follows:

(1) The chief of the Washington state patrol shall relieve from active duty Washington state patrol officers who, while in the performance of their official duties, or while on standby or available for duty, have been or hereafter may be injured or incapacitated to such an extent as to be mentally or physically incapable of active service: PROVIDED, That: ~~((+))~~

(a) Any officer disabled while performing line duty who is found by the chief to be physically incapacitated shall be placed on disability leave for a period not to exceed six months from the date of injury or the date incapacitated. During this period, the officer shall be entitled to all pay, benefits, insurance, leave, and retirement contributions awarded to an officer on active status, less any compensation received through the department of labor and industries. No such disability leave shall be approved until an officer has been unavailable for duty for more than five consecutive work days. Prior to the end of the six-month period, the chief shall either place the officer on disability status or return the officer to active status.

For the purposes of this section, "line duty" is active service which encompasses the traffic law enforcement duties and/or other law enforcement

responsibilities of the state patrol. These activities encompass all enforcement practices of the laws, accident and criminal investigations, or actions requiring physical exertion or exposure to hazardous elements.

The chief shall define by rule the situations where a disability has occurred during line duty;

(b) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the officer receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability(~~(: AND PROVIDED FURTHER, That)~~);

(c) An officer injured while engaged in wilfully tortious or criminal conduct shall not be entitled to disability benefits under this section(~~(:)~~); and

~~((2))~~ (d) Should a disability beneficiary whose disability was not incurred in line of duty, prior to attaining age fifty, engage in a gainful occupation, the chief shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired officer held at the time he was disabled. All such disability beneficiaries under age fifty shall file with the chief every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the chief may further alter his disability retirement allowance as indicated above. The failure of any officer to file the required statement of earnings shall be cause for cancellation of retirement benefits.

~~((Such))~~ (2) Officers on disability status shall receive one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries. They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the patrol at any time during such relief from duty to ascertain whether or not they are able to resume active duty.

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect January 1, 1981.

Passed the House April 24, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 166

[Second Substitute House Bill No. 628]

STATE RESIDENTIAL SCHOOLS—COMMUNITY PLACEMENT, RESIDENTS

AN ACT Relating to residential schools; amending section 72.33.160, chapter 28, Laws of 1959 as last amended by section 6, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.160; adding a new section to chapter 72.33 RCW; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

*Section 1. Section 72.33.160, chapter 28, Laws of 1959 as last amended by section 6, chapter 246, Laws of 1975 1st ex. sess. and RCW 72.33.160 are each amended to read as follows:

(1) Whenever in the judgment of the secretary, the treatment and training of any resident of a state residential school listed in RCW 72.33.030 has progressed to the point that it is deemed advisable to return such resident to the community, the secretary may, subject to this section, grant placement on such terms and conditions as ((he)) the secretary may deem advisable after ((reasonable)) at least thirty-day notice to and consultation with the resident and the available parents, guardian, or other court-appointed personal representative of such person, and with ((any)) the consent of the available parents, guardian, or other court-appointed personal representative of such person. If the available parent, guardian, or other court-appointed personal representative of the resident refuses to consent within twenty-five days after being provided notice, the secretary may petition the court to waive the requirement for consent. The court, after a hearing, may waive the requirement for consent if the secretary proves that it is in the best interests of the resident to be returned to the community and that the department has complied with subsection (2) of this section. If the secretary does not prevail, the department shall pay any attorney fees and costs. The parties, by agreement, may submit to arbitration instead of a court hearing.

(2) The secretary shall not make a placement unless:

(a) An assessment of the resident's physical, psychological, and emotional condition, the resident's daily living skills, and the precise services which the resident will need in the community to continue progress in habilitation is made;