

the health service area served by the agency who are providers of health care.

(17) "Regional health plan" means a document which provides at least a statement of health goals and priorities for the health service area. In addition, it sets forth the number, type, and distribution of health facilities, services, and manpower needed within the health service area to meet the goals of the plan.

(18) "State health plan" means a document developed in accordance with RCW 70.38.065.

NEW SECTION, Sec. 44. Section 45, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.902 are each repealed.

NEW SECTION, Sec. 45. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 277, Laws of 1959, section 216, chapter 141, Laws of 1979 and RCW 72.18.010;

(2) Section 4, chapter 277, Laws of 1959, section 217, chapter 141, Laws of 1979 and RCW 72.18.040;

(3) Section 5, chapter 277, Laws of 1959, section 218, chapter 141, Laws of 1979 and RCW 72.18.050;

(4) Section 6, chapter 277, Laws of 1959, section 219, chapter 141, Laws of 1979 and RCW 72.18.060;

(5) Section 7, chapter 277, Laws of 1959, section 220, chapter 141, Laws of 1979 and RCW 72.18.070; and

(6) Section 8, chapter 277, Laws of 1959, section 221, chapter 141, Laws of 1979 and RCW 72.18.080.

NEW SECTION, Sec. 46. 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.

Passed the Senate May 10, 1983.

Passed the House May 6, 1983.

Approved by the Governor May 19, 1983.

Filed in Office of Secretary of State May 19, 1983.

CHAPTER 42

[Reengrossed Substitute Senate Bill No. 3817]

STRIP SEARCHES—BODY CAVITY SEARCHES

AN ACT Relating to search and seizure; adding new sections to chapter 10.79 RCW; creating a new section; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to establish policies regarding the practice of strip searching persons booked into holding, detention, or local correctional facilities. It is the intent of the legislature to restrict the practice of strip searching and body cavity searching persons booked into holding, detention, or local correctional facilities to those situations where such searches are necessary.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 6 of this act.

(1) "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female person.

(2) "Body cavity search" means the touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity.

(3) "Body cavity" means the stomach or rectum of a person and the vagina of a female person.

(4) "Law enforcement agency" and "law enforcement officer" include local departments of corrections created pursuant to RCW 70.48.090(3) and employees thereof.

NEW SECTION. Sec. 3. (1) No person may be subjected to a body cavity search by or at the direction of a law enforcement agency unless a search warrant is issued pursuant to superior court criminal rules.

(2) No law enforcement officer may seek a warrant for a body cavity search without first obtaining specific authorization for the body cavity search from the ranking shift supervisor of the law enforcement authority. Authorization for the body cavity search may be obtained electronically: PROVIDED, That such electronic authorization shall be reduced to writing by the law enforcement officer seeking the authorization and signed by the ranking supervisor as soon as possible thereafter.

(3) Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of crime, things otherwise criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about to be committed. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the law enforcement agency.

(4) A law enforcement officer requesting a body cavity search shall prepare and sign a report regarding the body cavity search. The report shall include:

(a) A copy of the written authorization required under subsection (2) of this section;

(b) A copy of the warrant and any supporting documents required under subsection (1) of this section;

(c) The name and sex of all persons conducting or observing the search;

(d) The time, date, place, and description of the search; and

(e) A statement of the results of the search and a list of any items removed from the person as a result of the search.

The report shall be retained as part of the law enforcement agency's records.

NEW SECTION. Sec. 4. Nothing in section 3 of this act or this section may be construed as precluding or preventing the administration of medical care to persons requiring immediate medical care or requesting medical care.

NEW SECTION. Sec. 5. (1) Persons conducting a strip search shall not touch the person being searched except as reasonably necessary to effectuate the strip search of the person.

(2) Any body cavity search must be performed under sanitary conditions and conducted by a physician, registered nurse, or physician's assistant, licensed to practice in this state, who is trained in the proper medical process and the potential health problems associated with a body cavity search. No health professional authorized by this subsection to conduct a body cavity search shall be held liable in any civil action if the search is conducted in a manner that meets the standards and requirements of RCW 4.24.290 and 7.70.040.

(3) Except as provided in subsection (7) of this section, a strip search or body cavity search, as well as presearch undressing or postsearch dressing, shall occur at a location made private from the observation of persons not physically conducting the search. A strip search or body cavity search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (2) of this section.

(4) Except as provided in subsection (5) of this section, no person may be present or observe during the search unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search.

(5) Nothing in this section prohibits a person upon whom a body cavity search is to be performed from having a readily available person of his or her choosing present at the time the search is conducted. However, the person chosen shall not be a person being held in custody by a law enforcement agency.

(6) Section 3 of this act and this section shall not be interpreted as expanding or diminishing the authority of a law enforcement officer with respect to searches incident to arrest or investigatory stop in public.

(7) A strip search of a person housed in a holding, detention, or local correctional facility to search for and seize a weapon may be conducted at

other than a private location if there arises a specific threat to institutional security that reasonably requires such a search or if all persons in the facility are being searched for the discovery of weapons or contraband.

NEW SECTION. Sec. 6. (1) A person who suffers damage or harm as a result of a violation of section 3, 4, or 5 of this act may bring a civil action to recover actual damages sustained by him or her. The court may, in its discretion, award injunctive and declaratory relief as it deems necessary.

(2) Sections 3, 4, and 5 of this act shall not be construed as limiting any constitutional, common law, or statutory right of any person regarding any action for damages or injunctive relief, or as precluding the prosecution under another provision of law of any law enforcement officer or other person who has violated section 3, 4, or 5 of this act.

NEW SECTION. Sec. 7. The corrections standards board shall study the use of strip searches of persons booked into holding, detention, and local correctional facilities. The corrections standards board shall identify those categories of persons booked into holding, detention, and local correctional facilities which the board deems inappropriate to strip search or body cavity search. Minimum criteria to be employed by the board in identifying such categories shall be federal and state constitutional requirements. The board shall submit its findings and recommendations, together with proposed legislation, to the judiciary committees of the senate and house of representatives before January 1, 1984.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act are each added to chapter 10.79 RCW.

NEW SECTION. Sec. 9. 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. 10. 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 on July 1, 1983.

Passed the Senate May 11, 1983.

Passed the House May 11, 1983.

Approved by the Governor May 19, 1983.

Filed in Office of Secretary of State May 19, 1983.

CHAPTER 43

[Substitute House Bill No. 43]

MEDICAL CARE ELIGIBILITY

AN ACT Relating to social and health services; amending section 22, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 19, Laws of 1982 1st ex. sess. and RCW