

annual salary of the justice of the peace in whose place he serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary; PROVIDED, That each full time justice of the peace shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court.

(2) The legislature may appropriate money from the judiciary education account to the administrator for the courts pursuant to RCW 2.56.100 for the purpose of reimbursing counties for the salaries of justices of the peace pro tempore for certain days in excess of thirty worked per year the justice of the peace pro tempore was required to work as the result of service by a justice of the peace on a commission as authorized under subsection (1) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any justice of the peace pro tempore was required to work as the result of service by a justice of the peace on a commission as authorized under subsection (1) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

Passed the House April 23, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 196

[Substitute House Bill No. 476]

PRISON TERMS—REDUCTION OF MINIMUM—CONDITIONS—PAROLE
 REVOCATION HEARINGS—CRIMINALLY INSANE COMMITMENTS—
 RECORDS

AN ACT Relating to offenders; amending section 1, chapter 67, Laws of 1972 ex. sess. and RCW 9.95.052; amending section 6, chapter 98, Laws of 1969 as last amended by section 39, chapter 136, Laws of 1981 and RCW 9.95.124; amending section 21, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.210; amending section 44, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 17, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.390; and adding a new section to chapter 71.06 RCW.

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

Sec. 1. Section 1, chapter 67, Laws of 1972 ex. sess. and RCW 9.95.052 are each amended to read as follows:

At any time after the board of prison terms and paroles has determined the minimum term of confinement of any person subject to confinement in a state correctional institution, the board may request the superintendent of such correctional institution to conduct a full review of such person's prospects for rehabilitation and report to the board the facts of such review and

the resulting findings. Upon the basis of such report and such other information and investigation that the board deems appropriate the board may redetermine and refix such convicted person's minimum term of confinement.

The board shall not reduce a person's minimum term of confinement unless the board has received from the department of corrections all institutional conduct reports relating to the person.

Sec. 2. Section 6, chapter 98, Laws of 1969 as last amended by section 39, chapter 136, Laws of 1981 and RCW 9.95.124 are each amended to read as follows:

At all on-site parole revocation hearings the probation and parole officers of the department of corrections, having made the allegations of the violations of the conditions of parole, may be represented by the attorney general. ~~((Only such persons as are reasonably necessary to the conducting of such hearings shall be permitted to be present. PROVIDED, That other persons may be admitted to such hearings at the discretion of the board and with the consent of the alleged parole violator.))~~ The attorney general may make independent recommendations to the board about whether the violations constitute sufficient cause for the revocation of the parole and the return of the parolee to a state correctional institution for convicted felons. The hearings shall be open to the public unless the board for specifically stated reasons closes the hearing in whole or in part. The hearings shall be recorded either manually or by a mechanical recording device. An alleged parole violator may be requested to testify and any such testimony shall not be used against him in any criminal prosecution. The board of prison terms and paroles shall adopt rules governing the formal and informal procedures authorized by this chapter and make rules of practice before the board in on-site parole revocation hearings, together with forms and instructions.

Sec. 3. Section 21, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.210 are each amended to read as follows:

Any person involuntarily detained, hospitalized, or committed pursuant to the provisions of this chapter shall have the right to adequate care and individualized treatment. The person who has custody of the patient or is in charge of treatment shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations of the patient that have been filed with the secretary pursuant to this chapter. All records and reports made pursuant to this chapter, shall be made available only upon request, to the committed person, to his attorney, to his personal physician, to the prosecuting attorney, to the court or other expert or professional persons who, upon proper showing, demonstrates a need for access to such records. All records and reports made pursuant to this chapter shall also be made available, upon request, to the department of corrections or the board of prison terms and paroles if the person was on parole or probation at the

time of detention, hospitalization, or commitment or the person is subsequently convicted for the crime for which they were detained, hospitalized, or committed pursuant to this chapter.

Sec. 4. Section 44, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 17, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.390 are each amended to read as follows:

The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his guardian, must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person, not employed by the facility, who does not have the medical responsibility for the patient's care or who is not a designated county mental health professional or who is not involved in providing services under the community mental health services act, chapter 71.24 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing outpatient services to the operator of a care facility in which the patient resides.

(3) When the person receiving services, or his guardian, designates persons to whom information or records may be released, or if the person is a minor, when his parents make such designation.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled.

(5) For program evaluation and/or research: PROVIDED, That the secretary of social and health services adopts rules for the conduct of such evaluation and/or research. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/

(6) To the courts as necessary to the administration of this chapter.

(7) To law enforcement officers ((or)), public health officers, or personnel of the department of corrections or the board of prison terms and paroles for persons who are the subject of the records and who are committed to the custody of the department of corrections or board of prison terms and paroles which information or records are necessary to carry out the responsibilities of their office: PROVIDED, That

(a) Only the fact, place, and date of involuntary admission, the fact and date of discharge, and the last known address shall be disclosed upon request; and

(b) The law enforcement and public health officers or personnel of the department of corrections or board of prison terms and paroles shall be obligated to keep such information confidential in accordance with this chapter; and

(c) Additional information shall be disclosed only after giving notice to said person and his counsel and upon a showing of clear, cogent and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained: PROVIDED HOWEVER, That in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence.

(8) To the attorney of the detained person.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

NEW SECTION. Sec. 5. There is added to chapter 71.06 RCW a new section to read as follows:

The records, files, and other written information prepared by the department of social and health services for individuals committed under this

chapter shall be made available upon request to the department of corrections or the board of prison terms and paroles for persons who are the subject of the records who are committed to the custody of the department of corrections or the board of prison terms and paroles.

Passed the House April 20, 1983.

Passed the Senate April 15, 1983.

Approved by the Governor May 16, 1983.

Filed in Office of Secretary of State May 16, 1983.

CHAPTER 197

[Engrossed Substitute House Bill No. 493]

STATE AGENCIES—CERTAIN—SUNSET TERMINATION

AN ACT Relating to state government; adding new sections to chapter 43.131 RCW; repealing section 43.31.010, chapter 8, Laws of 1965 and RCW 43.31.010; repealing section 43.31.020, chapter 8, Laws of 1965 and RCW 43.31.020; repealing section 43.31.030, chapter 8, Laws of 1965 and RCW 43.31.030; repealing section 43.31.040, chapter 8, Laws of 1965, section 2, chapter 10, Laws of 1965, section 2, chapter 221, Laws of 1967, section 6, chapter 70, Laws of 1977 ex. sess., section 13, chapter 295, Laws of 1981 and RCW 43.31.040; repealing section 43.31.050, chapter 8, Laws of 1965, section 53, chapter 75, Laws of 1977 and RCW 43.31.050; repealing section 43.31.060, chapter 8, Laws of 1965 and RCW 43.31.060; repealing section 43.31.070, chapter 8, Laws of 1965 and RCW 43.31.070; repealing section 43.31.080, chapter 8, Laws of 1965 and RCW 43.31.080; repealing section 43.31.110, chapter 8, Laws of 1965, section 109, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.110; repealing section 43.31.120, chapter 8, Laws of 1965 and RCW 43.31.120; repealing section 43.31.130, chapter 8, Laws of 1965, section 110, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.130; repealing section 43.31.140, chapter 8, Laws of 1965 and RCW 43.31.140; repealing section 43.31.150, chapter 8, Laws of 1965 and RCW 43.31.150; repealing section 43.31.160, chapter 8, Laws of 1965, section 54, chapter 75, Laws of 1977 and RCW 43.31.160; repealing section 43.31.170, chapter 8, Laws of 1965 and RCW 43.31.170; repealing section 43.31.180, chapter 8, Laws of 1965 and RCW 43.31.180; repealing section 43.31.200, chapter 8, Laws of 1965, section 42, chapter 171, Laws of 1974 ex. sess. and RCW 43.31.200; repealing section 43.31.210, chapter 8, Laws of 1965 and RCW 43.31.210; repealing section 43.31.220, chapter 8, Laws of 1965 and RCW 43.31.220; repealing section 43.31.230, chapter 8, Laws of 1965 and RCW 43.31.230; repealing section 1, chapter 221, Laws of 1967 and RCW 43.31.350; repealing section 3, chapter 221, Laws of 1967 and RCW 43.31.360; repealing section 4, chapter 221, Laws of 1967 and RCW 43.31.370; repealing section 1, chapter 9, Laws of 1969 and RCW 43.31.400; repealing section 2, chapter 9, Laws of 1969 and RCW 43.31.405; repealing section 3, chapter 9, Laws of 1969 and RCW 43.31.410; repealing section 4, chapter 9, Laws of 1969 and RCW 43.31.415; repealing section 5, chapter 9, Laws of 1969 and RCW 43.31.420; repealing section 1, chapter 148, Laws of 1965, section 2, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.790; repealing section 2, chapter 148, Laws of 1965 and RCW 43.31.800; repealing section 3, chapter 148, Laws of 1965, section 3, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.810; repealing section 4, chapter 148, Laws of 1965, section 4, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.820; repealing section 5, chapter 148, Laws of 1965, section 5, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.830; repealing section 1, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.831; repealing section 2, chapter 93, Laws of 1972 ex. sess., section 8, chapter 292, Laws of 1975 1st ex. sess., section 1, chapter 2, Laws of 1981 2nd ex. sess. and RCW 43.31.832; repealing section 3, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.833; repealing section 4, chapter 93, Laws of 1972 ex. sess. and RCW 43.31.834; repealing section 6, chapter 148, Laws of 1965, section 6, chapter 292, Laws of 1975 1st ex. sess. and RCW 43.31.840; repealing section 8, chapter 148, Laws of 1965, section 7, chapter 292, Laws of 1975 1st ex. sess.