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HOUSE BILL 2262

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State of Washington

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By Representatives Appelwick, Padden, Wineberry, Riley, Tate, Wang, Roland, Winsley, Paris, May, Bowman, Orr and Van Luven; by request of Department of Corrections, Dept. of Social and Health Services and Indeterminate Sentence Review Board

Read first time 01/13/92. Referred to Committee on Judiciary.

1 AN ACT Relating to refinements of the community protection act of  
2 1990; amending RCW 9.94A.151, 9.94A.155, and 71.09.030; and adding a  
3 new section to chapter 71.09 RCW.

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

5 **Sec. 1.** RCW 9.94A.151 and 1990 c 3 s 122 are each amended to read  
6 as follows:

7 (1)(a) When it appears that a person who has been convicted of a  
8 sexually violent offense may meet the criteria of a sexually violent  
9 predator as defined in RCW 71.09.020(1), the agency having jurisdiction  
10 shall refer the person in writing to the prosecuting attorney of the  
11 county where that person was convicted, three months ((before)) prior  
12 to the anticipated release from total confinement ((of a person  
13 convicted of a sex offense as defined in RCW 9.94A.030 that was  
14 committed between June 30, 1984, and July 1, 1988, the department shall

1 ~~notify in writing the prosecuting attorney of the county where the~~  
2 ~~person was convicted. (The department)).~~

3 (b) The agency shall inform the prosecutor of the following:

4 ~~((1))~~ (i) The person's name, identifying factors, anticipated  
5 future residence, and offense history; and

6 (ii) Documentation of institutional adjustment and any treatment  
7 received.

8 (2) ~~((A brief narrative describing the person's conduct during~~  
9 ~~confinement and any treatment received; and))~~ As used in this section,  
10 "agency" means the department of corrections, the department of social  
11 and health services, or the indeterminate sentence review board.

12 (3) ~~((Whether the department recommends that a civil commitment~~  
13 ~~petition be filed under RCW 71.09.030.))~~ This section applies to acts  
14 committed before, on, or after the effective date of this act.

15 (4) The ~~((department))~~ agency, its employees, and officials shall  
16 be immune from liability for any good-faith conduct under this section.

17 **Sec. 2.** RCW 9.94A.155 and 1990 c 3 s 121 are each amended to read  
18 as follows:

19 (1) At the earliest possible date, and in no event later than ten  
20 days before release except in the event of escape or emergency  
21 furloughs as defined in RCW 72.66.010, the department of corrections  
22 shall send written notice of parole, release, community placement, work  
23 release placement, furlough, or escape about a specific inmate  
24 convicted of a violent offense or a sex offense as defined by RCW  
25 9.94A.030, to ~~((all of))~~ the following:

26 (a) The chief of police of the city, if any, in which the inmate  
27 will reside or in which placement will be made in a work release  
28 program; and

1 (b) The sheriff of the county in which the inmate will reside or in  
2 which placement will be made in a work release program.

3 The sheriff of the county where the offender was convicted shall be  
4 notified if the department does not know where the offender will  
5 reside. The department shall notify the state patrol of the release of  
6 all sex offenders, and that information shall be placed in the  
7 Washington crime information center for dissemination to all law  
8 enforcement.

9 (2) The same notice as required by subsection (1) of this section  
10 shall be sent to the following if such notice has been requested in  
11 writing about a specific inmate convicted of a violent offense or a sex  
12 offense as defined by RCW 9.94A.030:

13 (a) The victim of the crime for which the inmate was convicted or  
14 the victim's next of kin if the crime was a homicide;

15 (b) Any witnesses who testified against the inmate in any court  
16 proceedings involving the violent offense; and

17 (c) Any person specified in writing by the prosecuting attorney.  
18 Information regarding victims, next of kin, or witnesses requesting the  
19 notice, information regarding any other person specified in writing by  
20 the prosecuting attorney to receive the notice, and the notice are  
21 confidential and shall not be available to the inmate.

22 (3) If an inmate convicted of a violent offense or a sex offense as  
23 defined by RCW 9.94A.030 escapes from a correctional facility, the  
24 department of corrections shall immediately notify, by the most  
25 reasonable and expedient means available, the chief of police of the  
26 city and the sheriff of the county in which the inmate resided  
27 immediately before the inmate's arrest and conviction. If previously  
28 requested, the department shall also notify the witnesses and the  
29 victim of the crime for which the inmate was convicted or the victim's  
30 next of kin if the crime was a homicide. If the inmate is recaptured,

1 the department shall send notice to the persons designated in this  
2 subsection as soon as possible but in no event later than two working  
3 days after the department learns of such recapture.

4 (4) If the victim, the victim's next of kin, or any witness is  
5 under the age of sixteen, the notice required by this section shall be  
6 sent to the parents or legal guardian of the child.

7 (5) The department of corrections shall send the notices required  
8 by this chapter to the last address provided to the department by the  
9 requesting party. The requesting party shall furnish the department  
10 with a current address.

11 (6) For purposes of this section the following terms have the  
12 following meanings:

13 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

14 (b) "Next of kin" means a person's spouse, parents, siblings and  
15 children.

16 (7) Nothing in this section shall impose any liability upon a chief  
17 of police of a city or sheriff of a county for failing to request in  
18 writing a notice as provided in subsection (1) of this section.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.09 RCW  
20 to read as follows:

21 (1)(a) When it appears that a person may meet the criteria of a  
22 sexually violent predator as defined in RCW 71.09.020(1), the agency  
23 having jurisdiction shall refer the person in writing to the  
24 prosecuting attorney of the county where that person was convicted,  
25 three months prior to:

26 (i) The anticipated release from total confinement of a person who  
27 has been convicted of a sexually violent offense;

28 (ii) The anticipated release from total confinement of a person  
29 found to have committed a sexually violent offense as a juvenile;

1 (iii) Release of a person who has been charged with a sexually  
2 violent offense and who has been determined to be incompetent to stand  
3 trial pursuant to RCW 10.77.090(3); or

4 (iv) Release of a person who has been found not guilty by reason of  
5 insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

6 (b) The agency shall inform the prosecutor of the following:

7 (i) The person's name, identifying factors, anticipated future  
8 residence, and offense history; and

9 (ii) Documentation of institutional adjustment and any treatment  
10 received.

11 (2) As used in this section, "agency" means the department of  
12 corrections, the department of social and health services, or the  
13 indeterminate sentence review board.

14 (3) This section applies to acts committed before, on, or after the  
15 effective date of this act.

16 (4) The agency, its employees, and officials shall be immune from  
17 liability for any good-faith conduct under this section.

18 **Sec. 4.** RCW 71.09.030 and 1990 1st ex.s. c 12 s 3 are each amended  
19 to read as follows:

20 When it appears that: (1) The (~~sentence~~) term of confinement of  
21 a person who has been convicted of a sexually violent offense is about  
22 to expire, or has expired on, before, or after July 1, 1990; (2) the  
23 term of confinement of a person found to have committed a sexually  
24 violent offense as a juvenile is about to expire, or has expired on,  
25 before, or after July 1, 1990; (3) a person who has been charged with  
26 a sexually violent offense and who has been determined to be  
27 incompetent to stand trial is about to be released, or has been  
28 released on, before, or after July 1, 1990, pursuant to RCW  
29 10.77.090(3); or (4) a person who has been found not guilty by reason

1 of insanity of a sexually violent offense is about to be released, or  
2 has been released on, before, or after July 1, 1990, pursuant to RCW  
3 10.77.020(3); and it appears that the person may be a sexually violent  
4 predator, the prosecuting attorney of the county where the person was  
5 convicted or charged or the attorney general if requested by the  
6 prosecuting attorney may file a petition alleging that the person is a  
7 "sexually violent predator" and stating sufficient facts to support  
8 such allegation.

9 NEW SECTION. **Sec. 5.** If any provision of this act or its  
10 application to any person or circumstance is held invalid, the  
11 remainder of the act or the application of the provision to other  
12 persons or circumstances is not affected.