

HOUSE BILL REPORT

SB 6405

*As Reported By House Committee on:
Judiciary*

Title: An act relating to civil commitment of sexually violent predators.

Brief Description: Clarifying civil commitment standards for sexually violent predators.

Sponsor(s): Senators Nelson and Skratek.

Brief History:

Reported by House Committee on:
Judiciary, February 28, 1992, DP.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 19 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Pat Shelledy (786-7149).

Background: The provisions governing civil commitment of sexually violent predators requires the state to prove, among other facts, that the person is "likely to engage in predatory acts of sexual violence." Once committed, the person may petition for release. If the Department of Social and Health Services determines that, among other facts, that the person is not likely to commit predatory acts of sexual violence, then the prosecutor must at trial again prove that the person is likely to engage in predatory acts of sexual violence.

The statute imposes a different standard if the person petitions for release without the department's approval. In that case, if the court determines that probable cause exists to believe that the person "will not engage" in acts of sexual violence, then the court will set a hearing on the issue. Arguably, the standard "will not engage" is a higher standard to impose on the committed person than "is not likely to engage." If the court sets the hearing, then the

state must prove that the person "will engage" in acts of sexual violence, again arguably a higher burden of proof.

Summary of Bill: The standard of proof for commitment and continued commitment of persons who are allegedly sexually violent predators is changed to be consistent throughout the statute. That standard is whether the person "is likely to engage in predatory acts of sexual violence." Other minor technical changes are made to conform the terminology throughout the statute.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Witnesses: None.