

HOUSE BILL REPORT

HB 2905

As Passed Legislature

Title: An act relating to placement of sexually violent predators by the department of social and health services at state mental facilities.

Brief Description: Prohibiting placement of sexually violent predators in state mental facilities.

Sponsors: Representatives Carrell, Talcott, Cooke, Bush, Smith, Cairnes, Koster, Backlund, Sherstad, Lambert and Kastama.

Brief History:

Committee Activity:

Children & Family Services: 2/6/98 [DP].

Floor Activity:

Passed House: 2/13/98, 90-6.

Passed Legislature.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: Do pass. Signed by 9 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Carrell; Gombosky; McDonald and Wolfe.

Minority Report: Do not pass. Signed by 2 members: Representatives Ballasiotes and Dickerson.

Staff: Douglas Ruth (786-7134).

Background: A sexually violent predator is a person who has been convicted of a crime of sexual violence and who suffers from a mental condition or disorder which makes the person likely to engage in further violent, predatory sexual acts. Persons found by a court to be sexual predators are placed in the custody of the Department of Social and Health Services. The department is responsible for placing sexual predators in a secure facility for their control, care, and treatment. The period of commitment lasts until the person's mental condition resolves and the person is safe to be released.

The department must place sexual predators in secure facilities, but is restricted from placing them on the grounds of a state mental facility or regional habilitation center, or in a correctional facility. The department may place sexual predators in a facility located *on the grounds* of a correctional facility. Currently, the department does place sexual predators on the grounds of a correctional facility in Monroe. Due to a lack of space at the Monroe facility, the department is transferring sexual predators to a unit at the McNeil Island correctional facility.

There are three state mental facilities: Western State Hospital, Eastern State Hospital, and the Children Study and Treatment Center. Regional habilitation centers are state institutions which provide residential care for the developmentally disabled.

Summary of Bill: The department is restricted from placing a sexual predator, *for any period of time*, on the grounds of a state mental facility or regional habilitation center.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: This bill contains an emergency clause and takes effect immediately.

Testimony For: Western State is a hospital, not a prison. It does not have the resources to detain criminals. The concern addressed by this bill is that the department will temporarily place sexually violent predators at Western State Hospital from McNeil Island for evaluation or temporary treatment. The very reason sexually violent predators are not currently housed at Western State hospital is because when they were housed there several years ago, predators escaped.

Testimony Against: None.

Testified: Representative Mike Carrell, prime sponsor.