

# HOUSE BILL REPORT

## SHB 2345

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**As Passed House:**  
February 8, 2000

**Title:** An act relating to rule-making authority for the special commitment center.

**Brief Description:** Requiring the secretary of social and health services to adopt rules for oversight and operation of the sexually violent predator program.

**Sponsors:** By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Ballasiotes, Ruderman, Hurst and Lovick; by request of Department of Social and Health Services).

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 1/21/00, 1/26/00 [DPS].

**Floor Activity:**

Passed House: 2/8/00, 97-0.

**Brief Summary of Substitute Bill**

- Grants rule-making authority to the secretary of Department of Social and Health Services (DSHS) with respect to oversight and operation of the sexually violent predator commitment law.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

**Staff:** Jean Ann Quinn (786-7310).

**Background:**

Under chapter 71.09 RCW, enacted in 1990 as an element of the Community Protection Act, a sexually violent predator may be civilly committed upon expiration

of his or her criminal sentence. A sexually violent predator is a person who has been convicted of (or charged with and found not guilty by reason of insanity or found to be incompetent to stand trial for) a crime of sexual violence and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory acts of sexual violence if not confined to a secure facility. Sexually violent predators are committed to the custody of the DSHS for control, care, and treatment until the person's mental disorder has so changed that they are safe either to be released or transferred to a less restrictive alternative. Sexually violent predators are currently housed at the Special Commitment Center on the grounds of the McNeil Island Corrections Center.

The secretary of DSHS has certain obligations under chapter 71.09 RCW and is authorized to promulgate rules regarding specific aspects of the sexually violent predator system, such as rules establishing the professional qualifications necessary for persons conducting evaluations of whether an offender is a sexually violent predator and rules regarding escorted leave. The secretary may not adopt rules without specific statutory authority (RCW 43.20A.075).

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**Summary of Bill:**

The secretary is given authority to adopt rules for the oversight and operation of the sexually violent predator commitment law. The rules must include provisions for an annual inspection of the special commitment center and requirements for treatment plans and the retention of records.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** There is currently a limit to the secretary's authority to adopt rules in this area. The commitment center is now under a federal injunction. Rules adopted under the administrative code will help ensure that there is a formal structure in place when that injunction is withdrawn. This bill requests specific and narrow rule-making authority. The two major areas for which rule-making authority is necessary relate to oversight mechanisms and program operation.

**Testimony Against:** None.

**Testified:** (In favor) Mark Seling, Special Commitment Center, Department of Social and Health Services.