

HOUSE BILL ANALYSIS

HB 2345

Brief Description: Authorizing the secretary of the department of social and health services to take all actions necessary to carry out the purpose of the sexually violent predator law.

Sponsors: Representatives O'Brien and Ballasiotes.

Hearing: January 21, 2000

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

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) 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 Department of Social and Health Services (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).

SUMMARY OF BILL:

The secretary is given general authority to provide, or arrange with others to provide, all

necessary services and facilities, to take all necessary actions, and to adopt rules as appropriate, in order to accomplish the purposes of the sexually violent predator chapter.

FISCAL NOTE: Not Requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.