

HOUSE BILL REPORT

SSB 6288

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to technical, clarifying, and nonsubstantive amendments to chapter 12, Laws of 2001 2nd special session.

Brief Description: Making technical, clarifying, and nonsubstantive amendments to chapter 12, Laws of 2001, 2nd special session.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Long and Hargrove).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/22/02 [DPA].

<p style="text-align: center;">Brief Summary of Substitute Bill (As Amended by House Committee)</p> <ul style="list-style-type: none">· Makes a variety of technical, clarifying, and non-substantive amendments to the law regarding sexually violent predators.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

Staff: Jim Morishima (786-7191).

Background:

Under the Community Protection Act of 1990, a sexually violent predator may be civilly committed upon the expiration of his or her criminal sentence. A sexually violent predator is a person who has been convicted of, charged with and found not guilty by reason of insanity of, 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 Department of Social and Health Services (DSHS) and confined at the Special Commitment Center (SCC) for control, care, and individualized treatment.

A person who has been civilly committed is statutorily entitled to an annual review of his or her mental condition, including consideration of whether conditional release to a less restrictive alternative (LRA) is in the best interest of the person and would adequately protect the community. Under a recent decision by the Washington Supreme Court, the person is also entitled to consideration of an LRA at his or her probable cause and commitment hearings.

Since 1994, the SCC has been operating under a federal court injunction requiring that steps be taken to ensure that constitutionally adequate mental health treatment is being provided to the SCC residents. In November 1999, the state was held in contempt of court for failing to take all reasonable steps toward this goal and for intentionally disregarding the requirements of the injunction. The court ordered sanctions of \$50 per day per SCC resident beginning in May of 2000. To date, the sanctions have continued to accrue, but have been suspended because of the state's efforts to bring the program into compliance. One substantial area of concern for the court is the availability of LRAs for qualified residents of the SCC.

Last year's 3ESSB 6151 did three main things. First, the bill established a new special commitment center (SCC) and a secure community transition facility (SCTF) on McNeil Island. Second, the bill made provisions for future SCTFs throughout the state. Third, the bill established a new sentencing method for certain sexually violent predators.

Summary of Amended Bill:

A variety of technical, non-substantive changes are made to the provisions of 3ESSB 6151:

- It is clarified that the DSHS's efforts to distribute the employment, educational, and social service impact of the SCTF on McNeil Island are limited to counties west of the Cascade mountains;
- Typographical and grammatical errors are corrected;
- Subsections are restructured;
- References to obsolete reporting requirements are removed;
- Terminology is made consistent;
- Obsolete terminology is corrected;
- Subsections are restructured;
- Dates are changed to reflect the effective date of 3ESSB 6151; and
- One section is divided, half of which is re-codified in a different chapter of law.

Amended Bill Compared to Substitute Bill:

The amended bill clarifies that the number of beds provided by law for the McNeil Island SCTF are the maximum number of beds allowed for that facility. The amended bill also clarifies that the new language regarding the nine pre-transitional beds is referring to the same nine pre-transitional beds in existing law. The amended bill requires the DSHS to make reasonable efforts to distribute the impacts of the McNeil Island SCTF among the adjoining counties west of the Cascades. The original bill required the DSHS to make reasonable efforts to distribute the impacts of the McNeil Island SCTF among the adjoining counties (including any adjoining counties east of the Cascades), but only to locations within a reasonable commute.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: (Original bill) This bill is purely technical and is intended as a fix to last year's 3ESSB 6151. The bill should be fixed, however, to make sure that it does not create new problems. The definition of "reasonable commute" is unclear. Also, the language about the nine pre-transitional beds in the McNeil Island facility could be interpreted as allowing nine new beds, which is not the intent of the bill.

Testimony Against: None.

Testified: (In support) Senator Long, prime sponsor.

(In support with amendments) George Walk, Pierce County.