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HOUSE BILL 2225

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Carrell, Conway, Talcott, Lantz, Bush, Kirby, Campbell, Morell, Casada, Woods and Jackley

Read first time 03/22/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to protecting communities located in close  
2 proximity to the special commitment center and the less restrictive  
3 alternative treatment facility, and mitigating for the effects of these  
4 facilities; adding new sections to chapter 71.09 RCW; creating a new  
5 section; and declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that the department of  
8 social and health services established a final siting criteria in  
9 November 2000 for less restrictive alternatives for sexually violent  
10 predators to ensure community input, safety, and confidence prior to  
11 determining where a facility should be located. Under this criteria,  
12 the department is required to establish new siting and safety criteria,  
13 and provide the public opportunity for review and comment, prior to  
14 determining a location for a less restrictive alternative facility  
15 which houses thirty or more sexually violent predators. The  
16 legislature further finds that such criteria is essential in giving the  
17 local governments and citizens of a community the opportunity to  
18 express concerns and inform the state of problems or injustices that  
19 may have been overlooked. The legislature further finds that the

1 department of social and health services should follow their own  
2 criteria or criteria established by the legislature.

3 Furthermore, the legislature finds that regardless of where a less  
4 restrictive alternative treatment facility for sexually violent  
5 predators is finally established, there will be a negative impact on  
6 the surrounding communities, particularly in those communities that  
7 already have a disproportionate share of correctional facilities and  
8 state mental health hospitals. Finally, the legislature recognizes  
9 that the state should mitigate this negative impact by providing  
10 financial assistance to such counties and cities for the increased  
11 costs associated with protecting the citizens who live near these  
12 facilities.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.09 RCW  
14 to read as follows:

15 Notwithstanding any other provision of law, before siting and  
16 operating a less restrictive alternative treatment facility housing  
17 thirty or more sexually violent predators on court-ordered conditional  
18 release, the department shall, as provided in the final siting criteria  
19 statement issued by the department in November 2000, develop siting and  
20 safety criteria for the facility with the assistance of the secure  
21 placement advisory committee and provide the public opportunity for  
22 review and comment.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.09 RCW  
24 to read as follows:

25 The state may not site and operate an additional less restrictive  
26 alternative facility for sexually violent predators on court-ordered  
27 conditional release from the special commitment center as provided in  
28 RCW 71.09.090 in a county where the special commitment center and the  
29 less restrictive alternative treatment facility established pursuant to  
30 section 2, chapter . . ., Laws of 2001 (House Bill No. 2223) are  
31 located.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 71.09 RCW  
33 to read as follows:

34 Other than an order directing conditional release to the less  
35 restrictive alternative treatment facility established pursuant to  
36 section 2, chapter . . ., Laws of 2001 (House Bill No. 2223), the court

1 may not enter an order directing conditional release to a less  
2 restrictive alternative located in a county where the special  
3 commitment center and the less restrictive alternative treatment  
4 facility established pursuant to section 2, chapter . . . , Laws of 2001  
5 (House Bill No. 2223) are located.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.09 RCW  
7 to read as follows:

8 (1) A sexually violent predator who is a resident of a less  
9 restrictive alternative treatment facility established pursuant to  
10 section 2, chapter . . . , Laws of 2001 (House Bill No. 2223) may not be  
11 released from the facility or allowed to leave the facility, even if  
12 escorted, until the state has entered into a mitigation agreement as  
13 required under subsection (2) of this section.

14 (2) The state shall enter into a mitigation agreement with the  
15 county in which the less restrictive alternative treatment facility  
16 established pursuant to section 2, chapter . . . , Laws of 2001 (House  
17 Bill No. 2223) is located and with each city located within a ten-mile  
18 radius of the facility that will ensure state funding in an amount  
19 adequate to fully mitigate anticipated or realized increased costs in  
20 law enforcement resulting from the increased risks to public safety  
21 brought about by the presence of sexually violent predators in those  
22 communities due to the siting of the facility.

23 NEW SECTION. **Sec. 6.** A new section is added to chapter 71.09 RCW  
24 to read as follows:

25 A sexually violent predator on court-ordered conditional release  
26 residing in the less restrictive alternative treatment facility for  
27 sexually violent predators established pursuant to section 2, chapter  
28 . . . , Laws of 2001 (House Bill No. 2223) is not eligible to receive  
29 any financial assistance from the state for postsecondary education.

30 NEW SECTION. **Sec. 7.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

34 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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