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**Criminal Justice & Corrections  
Committee**

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**HB 1258**

**Brief Description:** Committing sexually violent predators.

**Sponsors:** Representatives Carrell, Roach, Talcott, Kirby, Newhouse, Conway, McMahan, Kristiansen, Boldt, Flannigan, McDonald, Bush, Lantz, Cairnes, O'Brien, Shabro, Schindler, Ahern, Priest, Benson, Nixon, Chase and Anderson.

**Brief Summary of Bill**

- Allows certain persons civilly committed after being found incompetent to stand trial or not guilty by reason of insanity to be civilly committed as sexually violent predators.
- Requires notification to be given to the county prosecutor in a county where a person who may meet the definition of a sexually violent predator is about to be released, and allows that prosecutor to file a petition alleging that the person is a sexually violent predator.

**Hearing Date:** 2/4/03

**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) on McNeil Island for control, care, and individualized treatment.

When it appears that a person found to be found incompetent to stand trial or not guilty by

reason of insanity of a sexually violent offense is about to be released, the agency with jurisdiction must notify the prosecuting attorney in the county where the person was charged. That prosecutor or the Attorney General may file a petition alleging that the person is a sexually violent predator, which begins the civil commitment process.

**Summary of Bill:**

The prosecuting attorney in the county where a person who may meet the definition of a sexually violent predator is about to be released must receive notification of the person's release and may file a petition alleging that the person is a sexually violent predator.

An agency with jurisdiction over a person who: 1) is currently civilly committed after being found incompetent to stand trial or not guilty by reason of insanity, 2) appears to meet the definition of a sexually violent predator, and 3) is not covered under current provisions relating to prosecutor notification, must notify the county prosecutor where the person was charged or where the person is currently committed. The prosecutor may then file a petition alleging that the person is a sexually violent predator. If a petition was filed while the person was civilly committed after being found incompetent to stand trial or not guilty by reason of insanity, the person must be returned to that commitment after his or her civil commitment as a sexually violent predator is finished, or after he or she is found not to meet the definition of a sexually violent predator by a court or jury.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.