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**Criminal Justice & Corrections  
Committee**

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**HB 2309**

**Brief Description:** Transporting residents of secure community transition facilities.

**Sponsors:** Representatives Carrell, Mielke, Kirby, Boldt, McDonald, Nixon, Pearson, Cox, Shabro, Priest, Bush, Conway and Benson.

**Brief Summary of Bill**

- Requires the development of a transportation plan for residents of a secure community transition facility.
- Requires the plan to be shared with law enforcement agencies.
- Requires escorts to make a good faith effort to notify law enforcement agencies when deviating from the plan.

**Hearing Date:** 1/23/04

**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 incompetent to stand trial for a crime of sexual violence and now 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 civilly committed to the custody of the Department of Social and Health Services (DSHS) and confined at the Special Commitment Center on McNeil Island. A sexually violent predator is entitled to an annual review of his or her mental condition. As a result of such a review, a court may order that the person be conditionally released to a less restrictive alternative (LRA). An LRA placement is only authorized if it is in the best interest of the person and adequate safeguards can be put in place to protect the community.

The DSHS is authorized to operate a type of LRA called a secure community transition facility (SCTF). The DSHS is required to follow certain safety precautions when operating a SCTF such

as maintaining minimum staff-to-resident ratios, installing security systems, subjecting residents to electronic monitoring, and escorting offenders when they leave the grounds of the facility.

When siting a SCTF, the DSHS must consider siting guidelines that prohibit the facilities from being located adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity.

**Summary of Bill:**

When a resident leaves a SCTF, the DSHS must develop a transportation route plan for the location of the activity for which the resident is leaving. Each plan must contain the following elements:

- A description of the primary route to be taken;
- A description of at least three alternate routes, whenever feasible;
- A list of risk potential activities along the primary and alternate routes;
- The dates and times when the resident will be in transit;
- A list of any locations where the resident may stop (such locations may not be within the line of sight of a risk potential activity); and
- A copy of the resident's court order for conditional release.

The DSHS must provide a copy of the transportation route plan to every county in which the resident will be participating in activities, or through which the resident will be transported at least 48 hours before the resident leaves the SCTF. Before deviating from a transportation route plan, the resident's escort must make a good faith effort to notify all the law enforcement agencies that received initial notice of the original transportation route plan.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/14/04.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.