

# FINAL BILL REPORT

## HB 3205

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Synopsis as Enacted

**Brief Description:** Clarifying the authority to apprehend conditionally released persons.

**Sponsors:** By Representatives O'Brien, Clements, Pettigrew, Santos, McDermott, Ericks, Sells, Kilmer, Green and Morrell.

**House Committee on Criminal Justice & Corrections**  
**Senate Committee on Human Services & Corrections**

### **Background:**

Under the Community Protection Act of 1990, a sexually violent predator may be civilly committed after the completion of his or her criminal sentence. A sexually violent predator is a person who: (1) has been convicted of, found not guilty by reason of insanity of, or found to be incompetent to stand trial for, a crime of sexual violence, and (2) 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 individualized treatment. Most sexually violent predators are currently housed at the Special Commitment Center on McNeil Island.

A sexually violent predator who has been civilly committed is entitled to an annual review of his or her condition. As part of this evaluation, 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 interests of the person and adequate safeguards can be put in place to protect the community.

In 2001, the Legislature authorized the DSHS to operate a type of LRA known as a secure community transition facility (SCTF). A variety of security measures are specified for SCTFs. For example, residents of a SCTF must wear electronic monitoring devices at all times. If a resident leaves an SCTF for employment or treatment, he or she must be accompanied by at least one SCTF staff member at all times. The DSHS is operating two SCTFs, one on McNeil Island and one in south Seattle.

If the prosecuting attorney, the supervising community corrections officer (CCO), or the court believes that a person on LRA status is not complying with the terms and conditions of his or her release, the court or the CCO may order the person to be apprehended. Once the person is apprehended, the court must schedule a hearing to determine whether the person's conditional release should be altered or revoked.

### **Summary:**

A law enforcement officer who has responded to a request for assistance from an employee of the DSHS may apprehend a person on LRA status if the officer reasonably believes that the person is not complying with the terms of his or her conditional release. The person may be detained in the county jail or may be returned to the SCTF.

**Votes on Final Passage:**

House	98	0
Senate	48	0

**Effective:** June 7, 2006