
SUBSTITUTE SENATE BILL 5130

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Franklin, Kastama and Rasmussen)

READ FIRST TIME 02/28/05.

1 AN ACT Relating to transporting residents of secure community
2 transition facilities; and amending RCW 71.09.250 and 71.09.275.

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

4 **Sec. 1.** RCW 71.09.250 and 2003 c 216 s 3 are each amended to read
5 as follows:

6 (1)(a) The secretary is authorized to site, construct, occupy, and
7 operate (i) a secure community transition facility on McNeil Island for
8 persons authorized to petition for a less restrictive alternative under
9 RCW 71.09.090(1) and who are conditionally released; and (ii) a special
10 commitment center on McNeil Island with up to four hundred four beds as
11 a total confinement facility under this chapter, subject to
12 appropriated funding for those purposes. The secure community
13 transition facility shall be authorized for the number of beds needed
14 to ensure compliance with the orders of the superior courts under this
15 chapter and the federal district court for the western district of
16 Washington. The total number of beds in the secure community
17 transition facility shall be limited to twenty-four, consisting of up
18 to fifteen transitional beds and up to nine pretransitional beds. The
19 residents occupying the transitional beds shall be the only residents

1 eligible for transitional services occurring in Pierce county. In no
2 event shall more than fifteen residents of the secure community
3 transition facility be participating in off-island transitional,
4 educational, or employment activity at the same time in Pierce county.
5 For each resident who participates in off-island activities, a
6 transportation route plan shall be developed by the department. The
7 department shall provide the Pierce county sheriff, or his or her
8 designee, with a list of the fifteen residents so designated, along
9 with their photographs and physical descriptions, and the list shall be
10 immediately updated whenever a residential change occurs. The Pierce
11 county sheriff, or his or her designee, shall be provided an
12 opportunity to confirm the residential status of each resident leaving
13 McNeil Island.

14 (b) For purposes of this subsection, "transitional beds" means beds
15 only for residents who are judged by a qualified expert to be suitable
16 to leave the island for treatment, education, and employment.

17 (2)(a) The secretary is authorized to site, either within the
18 secure community transition facility established pursuant to subsection
19 (1)(a)(i) of this section, or within the special commitment center, up
20 to nine pretransitional beds.

21 (b) Residents assigned to pretransitional beds shall not be
22 permitted to leave McNeil Island for education, employment, treatment,
23 or community activities in Pierce county.

24 (c) For purposes of this subsection, "pretransitional beds" means
25 beds for residents whose progress toward a less secure residential
26 environment and transition into more complete community involvement is
27 projected to take substantially longer than a typical resident of the
28 special commitment center.

29 (3) Notwithstanding RCW 36.70A.103 or any other law, this statute
30 preempts and supersedes local plans, development regulations,
31 permitting requirements, inspection requirements, and all other laws as
32 necessary to enable the secretary to site, construct, occupy, and
33 operate a secure community transition facility on McNeil Island and a
34 total confinement facility on McNeil Island.

35 (4) To the greatest extent possible, until June 30, 2003, persons
36 who were not civilly committed from the county in which the secure
37 community transition facility established pursuant to subsection (1) of

1 this section is located may not be conditionally released to a setting
2 in that same county less restrictive than that facility.

3 (5) As of June 26, 2001, the state shall immediately cease any
4 efforts in effect on such date to site secure community transition
5 facilities, other than the facility authorized by subsection (1) of
6 this section, and shall instead site such facilities in accordance with
7 the provisions of this section.

8 (6) The department must:

9 (a) Identify the minimum and maximum number of secure community
10 transition facility beds in addition to the facility established under
11 subsection (1) of this section that may be necessary for the period of
12 May 2004 through May 2007 and provide notice of these numbers to all
13 counties by August 31, 2001; and

14 (b) Develop and publish policy guidelines for the siting and
15 operation of secure community transition facilities.

16 (7)(a) The total number of secure community transition facility
17 beds that may be required to be sited in a county between June 26,
18 2001, and June 30, 2008, may be no greater than the total number of
19 persons civilly committed from that county, or detained at the special
20 commitment center under a pending civil commitment petition from that
21 county where a finding of probable cause had been made on April 1,
22 2001. The total number of secure community transition facility beds
23 required to be sited in each county between July 1, 2008, and June 30,
24 2015, may be no greater than the total number of persons civilly
25 committed from that county or detained at the special commitment center
26 under a pending civil commitment petition from that county where a
27 finding of probable cause had been made as of July 1, 2008.

28 (b) Counties and cities that provide secure community transition
29 facility beds above the maximum number that they could be required to
30 site under this subsection are eligible for a bonus grant under the
31 incentive provisions in RCW 71.09.255. The county where the special
32 commitment center is located shall receive this bonus grant for the
33 number of beds in the facility established in subsection (1) of this
34 section in excess of the maximum number established by this subsection.

35 (c) No secure community transition facilities in addition to the
36 one established in subsection (1) of this section may be required to be
37 sited in the county where the special commitment center is located
38 until after June 30, 2008, provided however, that the county and its

1 cities may elect to site additional secure community transition
2 facilities and shall be eligible under the incentive provisions of RCW
3 71.09.255 for any additional facilities meeting the requirements of
4 that section.

5 (8) In identifying potential sites within a county for the location
6 of a secure community transition facility, the department shall work
7 with and assist local governments to provide for the equitable
8 distribution of such facilities. In coordinating and deciding upon the
9 siting of secure community transition facilities, great weight shall be
10 given by the county and cities within the county to:

11 (a) The number and location of existing residential facility beds
12 operated by the department of corrections or the mental health division
13 of the department of social and health services in each jurisdiction in
14 the county; and

15 (b) The number of registered sex offenders classified as level II
16 or level III and the number of sex offenders registered as homeless
17 residing in each jurisdiction in the county.

18 (9)(a) "Equitable distribution" means siting or locating secure
19 community transition facilities in a manner that will not cause a
20 disproportionate grouping of similar facilities either in any one
21 county, or in any one jurisdiction or community within a county, as
22 relevant; and

23 (b) "Jurisdiction" means a city, town, or geographic area of a
24 county in which distinct political or judicial authority may be
25 exercised.

26 **Sec. 2.** RCW 71.09.275 and 2003 c 216 s 4 are each amended to read
27 as follows:

28 (1) If the department does not provide a separate vessel for
29 transporting residents of the secure community transition facility
30 established in RCW 71.09.250(1) between McNeil Island and the mainland,
31 the department shall:

32 (a) Separate residents from minors and vulnerable adults, except
33 vulnerable adults who have been found to be sexually violent predators.

34 (b) Not transport residents during times when children are normally
35 coming to and from the mainland for school.

36 (2) The department shall designate a separate waiting area at the

1 points of debarkation, and residents shall be required to remain in
2 this area while awaiting transportation.

3 (3) The department shall provide law enforcement agencies in the
4 counties and cities in which residents of the secure community
5 transition facility established pursuant to RCW 71.09.250(1)(a)(i)
6 regularly participate in employment, education, or social services, or
7 through which these persons are regularly transported, with a copy of
8 the department's approved transportation route plan and the court's
9 order of conditional release with respect to these persons.

10 (4) An escort shall make a good faith effort to notify law
11 enforcement agencies in the counties and cities in which residents of
12 the secure transition facility regularly participate in employment,
13 education, or social services, or through which these persons are
14 regularly transported, of any deviation from the transportation route
15 plan, either before commencing or while transporting, or as soon
16 thereafter as can be safely accomplished.

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