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**Public Safety & Emergency Preparedness  
Committee**

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**HB 3114**

**Brief Description:** Controlling computer access by residents of the special commitment center.

**Sponsors:** Representatives Klippert, O'Brien, McCune, Dammeier, Wallace, Simpson and Roach.

**Brief Summary of Bill**

- Prohibits a sexually violent predator who is committed or detained from accessing a computer, unless the treatment plan states that it would be beneficial in a phase or course of treatment.
- Permits access by a sexually violent predator to a limited functioning device capable of word processing only.

**Hearing Date:** 2/2/10

**Staff:** Alexa Silver (786-7190).

**Background:**

Civil Commitment of Sexually Violent Predators.

A sexually violent predator is a person who has been charged with or convicted of 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 in a secure facility. A sexually violent predator may be civilly committed under the following circumstances: when his or her criminal sentence expires; if he or she has been determined to be incompetent to stand trial; if he or she has been found not guilty by reason of insanity of a sexually violent offense; or if he or she was previously convicted of a sexually violent offense and has committed a recent overt act.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Sexually violent predators are committed to the custody of the Department of Social and Health Services (Department) and confined at the Special Commitment Center (SCC) for control, care, and individualized treatment. Because they are civilly committed, residents of the SCC are not subject to as many restrictions as persons confined pursuant to a criminal conviction.

#### Conditional Release to a Less Restrictive Alternative.

A person who has been civilly committed is statutorily entitled to consideration of whether conditional release to a less restrictive alternative (LRA) is in the best interest of the person and would adequately protect the community. Such consideration takes place on an annual basis and at the person's probable cause and commitment hearings. Two Secure Community Transition Facilities (SCTF) serve as an LRA for qualified residents – one located on McNeil Island, and the other located in King County. The court may order a sexually violent predator to an LRA if it finds: (1) the person will be treated by a qualified treatment provider; (2) the treatment provider has presented a specific course of treatment and has agreed to assume treatment responsibility and provide progress reports to the court; (3) secure housing exists; (4) the person is willing to comply with the treatment plan; and (5) the person is willing to comply with supervision requirements imposed by the Department of Corrections. Prior to releasing a sexually violent predator to an LRA, the court must impose conditions on the person to ensure public safety. Conditions may include prohibiting contact with potential victims, prohibiting alcohol and drugs, requiring a specific course of treatment that may include polygraph monitoring, monitoring through global positioning satellite technology, supervision by a community corrections officer, and any other conditions that are in the best interest of the person or others.

#### Computer Access.

The Department restricts computer usage by sexually violent predators. Residents of the SCC and the SCTFs may purchase a Department-approved computer with no Internet capabilities and sealed thumbnail drives. Residents are prohibited from purchasing certain types of hardware and software. Residents' computers are subject to search at any time.

Once a sexually violent predator is released to an LRA, he or she may request limited Internet access for certain purposes (*e.g.*, employment or housing searches), which must be approved by the person's transition team and a court. If the person is an SCTF resident, Internet usage is monitored at all times.

#### **Summary of Bill:**

A sexually violent predator who is civilly committed or detained is prohibited from possessing or accessing a personal computer, unless his or her treatment plan states that computer access is necessary or beneficial in bringing about a positive response to a phase or course of treatment. A sexually violent predator may still access a limited functioning device that is only capable of word processing and has limited data storage.

**Appropriation:** None.

**Fiscal Note:** Available.

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