

SENATE BILL REPORT

HB 1912

As of March 20, 2009

Title: An act relating to maintenance and construction activities in support of facilities used to house sexually violent predators.

Brief Description: Concerning facilities to house sexually violent predators.

Sponsors: Representatives Armstrong, Hunt and Moeller; by request of Department of Social and Health Services.

Brief History: Passed House: 3/06/09, 89-7.

Committee Activity: Human Services & Corrections: 3/24/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: Persons who are found to be "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 (SCC) on McNeil Island. If the court has approved release of a sexually violent predator to a less restrictive alternative, the person may be released to a Secure Community Transition Facility (SCTF). There are currently two SCTFs: one is on McNeil Island and the other is in King County.

In 2001 there was substantial concern by both counties and the state regarding the siting of SCTFs and the potential liability of having an SCTF in one's jurisdiction. In response, a comprehensive siting bill for the housing of sexually violent predators was adopted that provided for liability protection, special siting procedures, and limitations for the size and location of SCTFs. For the purposes of siting, constructing, and operating those facilities, the law specifically superseded and preempted local plans, development regulations, permitting requirements, inspection requirements, and all other laws. All other laws was defined to include the State Environmental Policy Act (SEPA), the Shorelines Act, the Hydraulics Code, and all other state laws regulating the protection and use of the water, land, and air.

The preemption of SEPA, the Shorelines Act, the Hydraulics code, and other state laws regarding the protection of water, land, and air expire June 30, 2009.

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.

The Governor's 2009-2011 budget includes funding for an underground utility project and design of a 40-bed housing addition for the SCC to be completed in 2011-2013. A second 40-bed housing project is proposed for construction in 2015-2017. The facility currently has a capacity of 228 beds for men and 4 beds for women. Under current law, the SCC is limited to a total of 400 beds.

Summary of Bill: The sunset date on provisions preempting state law and local regulations is extended to June 30, 2017. Emergency language in those preemption provisions is removed and replaced with language indicating that DSHS has a need to site and construct facilities to house sexually violent predators.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.