

HOUSE BILL REPORT

SHB 1247

As Passed Legislature

Title: An act relating to the staffing of secure community transition facilities.

Brief Description: Concerning the staffing levels and staff training requirements for secure community transition facilities.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Kagi, Hunter, Darneille and Kenney; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Ways & Means: 1/18/11, 1/20/11 [DPS].

Floor Activity:

Passed House: 3/1/11, 97-1.

Passed Senate: 3/25/11, 46-2.

Passed Legislature.

Brief Summary of Substitute Bill

- Modifies the Secure Community Transitional Facilities staffing ratios.

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle, Chandler, Cody, Dickerson, Haigh, Haler, Hinkle, Hudgins, Hunt, Kagi, Kenney, Ormsby, Parker, Pettigrew, Ross, Schmick, Seaquist, Springer, Sullivan and Wilcox.

Staff: Melissa Palmer (786-7388).

Background:

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.

Under the Community Protection Act of 1990, a sexually violent predator (SVP) may be civilly committed upon the expiration of that person's criminal sentence. A SVP is a person who has been convicted of or charged with a sexually violent offense 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 to a secure facility. Crimes that constitute a sexually violent offense are enumerated in the statute and may include a federal or out-of-state offense if the crime would be a sexually violent offense under the laws of this state. The term "predatory" is defined to mean acts directed towards strangers or individuals with whom a relationship has been established for the primary purpose of victimization.

When a prosecuting agency has filed a petition against a person alleging that the person is a SVP or when the person has previously been found to be a SVP and is subject to a hearing for conditional release, the person is entitled to be examined by qualified experts or professional persons. If the person is indigent, the court must assist the person in obtaining an expert or professional person to perform an examination.

Once a person is found to be a SVP, the person is entitled to periodic hearings to determine if the person continues to meet the definition of a SVP or if release to a less restrictive alternative is appropriate. A state-endorsed plan for a less restrictive alternative will be a graduated release plan that entails the SVP moving to a Secure Community Transition Facility (SCTF). A SCTF is a facility that provides greater freedom to the SVP and is designed to allow the SVP to gradually transition back to the community while continuing treatment.

A SCTF is required to meet the following minimum staffing requirements:

- for SCTFs opened prior to July 1, 2003, that have six or fewer residents, the facility must maintain one staff per three residents during normal waking hours and one staff per four residents during sleeping hours, but in no case less than two staff per housing unit; and
- for SCTFs opened after July 1, 2003, with six or fewer residents, the facility must maintain one staff per resident during normal waking hours and two staff per three residents during normal sleeping hours, but in no case less than two staff per housing unit.

If a SCTF has six or fewer residents, all staff must be classified as a Residential Rehabilitation Counselor II or have a classification that indicates an equivalent or higher level of skill, experience, and training. All staff must have training in sex offender issues, self-defense, and crisis de-escalation skills and must pass a background check.

Summary of Substitute Bill:

The minimum staffing requirements for a SCTF are modified. At least three staff are required for the SCTF on McNeil Island and at least two staff are required for the SCTF in Seattle. The staffing requirements apply unless there are no residents housed at the facility. If there are six or fewer residents at the SCTF, the staff must be classified as a Residential Rehabilitative Counselor II or higher.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) None.

(Commented) The programming for the SCTF was put into place for a reason. It might seem attractive to look for savings in this program; however, changes to the programming could lead to a single staff being on-site alone or could lead to other safety issues. We share concerns regarding the changes this bill makes to the staff classification. We feel this could lead to new staff classifications being created and reductions in pay.

(Opposed) None.

Persons Testifying: (Commented) Matt Zuvich, Washington Federation of State Employees.

Persons Signed In To Testify But Not Testifying: None.