

# SENATE BILL REPORT

## SHB 1247

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As Reported by Senate Committee On:  
Ways & Means, March 16, 2011

**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:** Passed House: 3/01/11, 97-1.

**Committee Activity:** Ways & Means: 3/14/11, 3/16/11 [DP].

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli, Ranking Minority Member; Parlette, Ranking Minority Member Capital; Baumgartner, Baxter, Brown, Fraser, Hatfield, Hewitt, Holmquist Newbry, Honeyford, Kastama, Keiser, Kohl-Welles, Pflug, Pridemore, Rockefeller, Schoesler and Tom.

**Staff:** Richard Ramsey (786-7412)

**Background:** 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. An 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 an SVP or when the person has previously been found to be an SVP and is subject to a hearing for conditional release, the person is entitled to be examined by qualified experts or

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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 an SVP, the person is entitled to periodic hearings to determine if the person continues to meet the definition of an 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). An 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.

An SCTF must 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 an 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 Bill:** The minimum staffing requirements for an 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.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: The staffing level at the SCTFs is extraordinary, does little to protect public safety, and would be better spent elsewhere. The residents at the SCTF have demonstrated a commitment to change and are highly unlikely to cause problems. There have been no security breaches at the SCTFs.

OTHER: While this may seem like an attractive choice for savings it could still result in single staffing of residents. In addition, it could lead to additional costs from overtime.

**Persons Testifying:** PRO: Kelly Cunningham, DSHS-Special Commitment Center.

OTHER: Matt Zuvich, WA Federation of State Employees.