

# HOUSE BILL REPORT

## SHB 1836

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### As Passed Legislature

**Title:** An act relating to introduction of contraband into or possession of contraband in a secure facility.

**Brief Description:** Concerning the introduction of contraband into or possession of contraband in a secure facility.

**Sponsors:** House Committee on Public Safety (originally sponsored by Representatives Holy, Goodman, Roberts, Hope, Hayes and Appleton; by request of Department of Social and Health Services).

#### **Brief History:**

##### **Committee Activity:**

Public Safety: 2/20/13, 2/21/13 [DPS].

##### **Floor Activity:**

Passed House: 3/12/13, 95-0.

Passed Senate: 4/12/13, 48-0.

Passed Legislature.

#### **Brief Summary of Substitute Bill**

- Expands the offenses of Introduction of Contraband in the first, second, or third degrees to include the Introduction of Contraband into the Department of Social and Health Services' secure facilities, housing individuals committed as sexually violent predators.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

**Staff:** Sarah Koster (786-7303).

#### **Background:**

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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.*

"Secure facility" means a residential facility for persons civilly confined as sexually violent predators or awaiting trial for civil commitment as sexually violent predators that includes security measures sufficient to protect the community.

"Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

Introducing Contraband in the First Degree.

A person is guilty of Introducing Contraband in the first degree if he or she knowingly provides any deadly weapon to a person confined in a detention facility.

Introducing Contraband in the first degree is a class B felony.

Introducing Contraband in the Second Degree.

A person is guilty of Introducing Contraband in the second degree if he or she knowingly and unlawfully provides contraband to a person confined in a detention facility with the intent that such contraband be of assistance in an escape or in the commission of a crime.

Introducing Contraband in the first degree is a class C felony.

Introducing Contraband in the Third Degree.

A person is guilty of Introducing Contraband in the third degree if he or she knowingly and unlawfully provides contraband to a person confined in a detention facility.

Introducing Contraband in the third degree is a misdemeanor.

**Summary of Substitute Bill:**

"Contraband" means any article or thing which a person confined in a detention facility or secure facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

Introducing Contraband in the First Degree.

A person is guilty of Introducing Contraband in the first degree if he or she knowingly provides any deadly weapon to a person confined in a detention facility or secure facility.

Introducing Contraband in the first degree is a class B felony.

Introducing Contraband in the Second Degree.

A person is guilty of Introducing Contraband in the second degree if he or she knowingly and unlawfully provides contraband to a person confined in a detention facility or secure facility with the intent that such contraband be of assistance in an escape or in the commission of a crime.

Introducing Contraband in the first degree is a class C felony.

Introducing Contraband in the Third Degree.

A person is guilty of Introducing Contraband in the third degree if he or she knowingly and unlawfully provides contraband to a person confined in a detention facility or secure facility.

Introducing Contraband in the third degree is a misdemeanor. The offense does not include legal materials brought by attorneys for review with their clients.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) In April 2011, McNeil Island Corrections Center, the prison on McNeil Island, closed. Up until April 2011, any staff or visitors to the Special Commitment Center had to pass through Department of Corrections' (DOC) checkpoint and external perimeter. If they had brought contraband, they would have been screened by the DOC and been in violation of the DOCs restrictions. This would change the law so, in case contraband was brought in, the prosecutors would have what they need. The contraband could be guns, drugs, or pornography, for example. The Special Commitment Center cannot be defined as a detention facility, for legal reasons. Instead it is a secure facility.

(In support with amendment(s)) Last year, the Legislature directed the Office of Public Defense to take over representation of sexually violent predators in civil commitment cases. There was a concern that section 4 of this bill would pose a problem with attorneys who were trying to bring materials on McNeil Island for the purpose of providing legal assistance. The amendment is narrow and requires that the attorney be there when the client reviews the materials and that the attorney take the materials off McNeil Island after.

(Opposed) None.

**Persons Testifying:** (In support) Don Gauntz, Department of Social and Health Services, Special Commitment Center.

(In support with amendment(s)) Sophia Byrd McSherry, Office of Public Defense.

**Persons Signed In To Testify But Not Testifying:** None.