

---

SENATE BILL 5693

---

State of Washington

65th Legislature

2017 Regular Session

By Senator Darneille

Read first time 02/03/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to removal of juvenile convictions or  
2 adjudications from sexually violent predator status under RCW  
3 71.09.030; and amending RCW 71.09.030.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 71.09.030 and 2009 c 409 s 3 are each amended to  
6 read as follows:

7 (1) A petition may be filed alleging that a person is a sexually  
8 violent predator and stating sufficient facts to support such  
9 allegation when it appears that: (a) A person who at any time  
10 previously has been convicted of a sexually violent offense is about  
11 to be released from total confinement; (b) a person found to have  
12 committed a sexually violent offense as a juvenile is about to be  
13 released from total confinement; (c) a person who has been charged  
14 with a sexually violent offense and who has been determined to be  
15 incompetent to stand trial is about to be released, or has been  
16 released, pursuant to RCW 10.77.086(4); (d) a person who has been  
17 found not guilty by reason of insanity of a sexually violent offense  
18 is about to be released, or has been released, pursuant to RCW  
19 ((10.77.020(3)),) 10.77.110 (1) or (3)((,)) or 10.77.150; or (e) a  
20 person who at any time previously has been convicted of a sexually  
21 violent offense and has since been released from total confinement

1 and has committed a recent overt act. A juvenile adjudication for a  
2 sexually violent offense is not a predicate conviction for purposes  
3 of this subsection.

4 (2) The petition may be filed by:

5 (a) The prosecuting attorney of a county in which:

6 (i) The person has been charged or convicted with a sexually  
7 violent offense;

8 (ii) A recent overt act occurred involving a person covered under  
9 subsection (1)(e) of this section; or

10 (iii) The person committed a recent overt act, or was charged or  
11 convicted of a criminal offense that would qualify as a recent overt  
12 act, if the only sexually violent offense charge or conviction  
13 occurred in a jurisdiction other than Washington; or

14 (b) The attorney general, if requested by the county prosecuting  
15 attorney identified in (a) of this subsection. If the county  
16 prosecuting attorney requests that the attorney general file and  
17 prosecute a case under this chapter, then the county shall charge the  
18 attorney general only the fees, including filing and jury fees, that  
19 would be charged and paid by the county prosecuting attorney, if the  
20 county prosecuting attorney retained the case.

--- END ---