
SUBSTITUTE HOUSE BILL 1133

State of Washington

69th Legislature

2025 Regular Session

By House Community Safety (originally sponsored by Representatives Leavitt, Couture, Bronoske, Wylie, Reeves, and Hill; by request of Attorney General)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to sexually violent predators; amending RCW
2 71.09.025 and 9.94A.717; and adding a new section to chapter 71.09
3 RCW.

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

5 **Sec. 1.** RCW 71.09.025 and 2023 c 453 s 26 are each amended to
6 read as follows:

7 (1)(a) When it appears that a person may meet the criteria of a
8 sexually violent predator as defined in RCW 71.09.020, the agency
9 with jurisdiction shall refer the person in writing to the
10 prosecuting attorney of the county in which an action under this
11 chapter may be filed pursuant to RCW 71.09.030 and the attorney
12 general, three months prior to:

13 (i) The anticipated release from total confinement of a person
14 who has been convicted of a sexually violent offense;

15 (ii) The anticipated release from total confinement of a person
16 found to have committed a sexually violent offense as a juvenile;

17 (iii) Release of a person who has been charged with a sexually
18 violent offense and who has been determined to be incompetent to
19 stand trial pursuant to RCW 10.77.086(7); or

1 (iv) Release of a person who has been found not guilty by reason
2 of insanity of a sexually violent offense pursuant to RCW
3 10.77.020(~~(+3)~~) and 10.77.025.

4 (b) The agency shall provide the prosecuting agency with all
5 relevant information including but not limited to the following
6 information:

7 (i) A complete copy of the institutional records compiled by the
8 department of corrections relating to the person, and any such out-
9 of-state department of corrections' records, if available;

10 (ii) A complete copy, if applicable, of any file compiled by the
11 indeterminate sentence review board relating to the person;

12 (iii) All records relating to the psychological or psychiatric
13 evaluation and/or treatment of the person;

14 (iv) A current record of all prior arrests and convictions, and
15 full police case reports relating to those arrests and convictions;
16 and

17 (v) A current mental health evaluation or mental health records
18 review.

19 (c) The prosecuting agency has the authority, consistent with RCW
20 72.09.345(4), to obtain all records relating to the person if the
21 prosecuting agency deems such records are necessary to fulfill its
22 duties under this chapter. The prosecuting agency may only disclose
23 such records in the course of performing its duties pursuant to this
24 chapter, unless otherwise authorized by law.

25 (d) The prosecuting agency has the authority to utilize the
26 inquiry judge procedures of chapter 10.27 RCW prior to the filing of
27 any action under this chapter to seek the issuance of compulsory
28 process for the production of any records (~~(necessary for)~~) relevant
29 to a determination of whether to seek the civil commitment of a
30 person under this chapter. Any records obtained pursuant to this
31 process may only be disclosed by the prosecuting agency in the course
32 of performing its duties pursuant to this chapter, or unless
33 otherwise authorized by law.

34 (e) The prosecuting agency has the authority to utilize the
35 procedures under section 2 of this act for the production of any
36 records held by a public agency, including any agency as defined in
37 RCW 42.56.010, relevant to a determination of whether to seek the
38 civil commitment of a person under this chapter. Any records obtained
39 pursuant to this process may only be disclosed by the prosecuting

1 agency in the course of performing its duties pursuant to this
2 chapter, or unless otherwise authorized by law.

3 (2) The agency, its employees, and officials shall be immune from
4 liability for any good-faith conduct under this section.

5 (3) As used in this section, "agency with jurisdiction" means
6 that agency with the authority to direct the release of a person
7 serving a sentence or term of confinement and includes the department
8 of corrections, the indeterminate sentence review board, and the
9 department of social and health services.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.09
11 RCW to read as follows:

12 (1) Whenever the prosecuting agency believes that any public
13 agency, including any agency as defined in RCW 42.56.010, may be in
14 possession, custody, or control of any original or copy of any book,
15 record, report, memorandum, paper, communication, tabulation, map,
16 chart, photograph, mechanical transcription, or other tangible
17 document or recording, wherever situated, which is believed to be
18 relevant to the determination of whether to seek the civil commitment
19 of a person under this chapter, the prosecuting agency may, prior to
20 the institution of a civil proceeding thereon, execute in writing and
21 cause to be served upon such public agency, a civil investigative
22 demand requiring such public agency to produce such documentary
23 material and permit inspection and copying.

24 (2) Each demand executed under this section shall:

25 (a) State the relevant sections or subsections authorizing the
26 issuance of the demand and further state that the demand is for the
27 purpose of obtaining information to aid in a determination of whether
28 to seek the civil commitment of a person;

29 (b) Describe the class or classes of documentary material to be
30 produced with reasonable specificity so as fairly to indicate the
31 material demanded;

32 (c) Prescribe a return date within which the documentary material
33 is to be produced; and

34 (d) Identify the members of the prosecuting agency's staff to
35 whom such documentary material is to be made available for inspection
36 and copying.

37 (3) No demand executed under this section may:

38 (a) Contain any requirement which would be unreasonable or
39 improper if contained in a subpoena duces tecum; or

1 (b) Require the disclosure of any documentary material which
2 would be privileged, or which for any other reason would not be
3 required by a subpoena duces tecum issued by a court of this state.

4 (4) Service of any demand executed under this section may be made
5 by delivering a copy consistent with the civil rules regarding the
6 service of a subpoena duces tecum unless the public agency to whom
7 the demand is directed to agrees otherwise.

8 (5) At any time before the return date specified in the demand,
9 or within 20 days after the demand has been served, whichever period
10 is shorter, a petition to extend the return date for, or to modify or
11 set aside a demand issued under subsection (1) of this section,
12 stating good cause, may be filed in the superior court for Thurston
13 county, or in such other county where the public agency is situated.
14 A petition by the public agency on whom the demand is served, stating
15 good cause, to require the prosecuting agency or any person to
16 perform any duty imposed by the provisions of this section, and all
17 other petitions in connection with a demand executed under this
18 section, may be filed in the superior court for Thurston county, or
19 in the county where the public agency is situated or in such other
20 county as may be agreed upon by the parties to such petition. The
21 court shall have jurisdiction to impose such sanctions as are
22 provided for in the civil rules for superior court with respect to
23 discovery motions.

24 (6) Whenever any public agency fails to comply with any civil
25 investigative demand for documentary material under this section, or
26 whenever satisfactory copying or reproduction of any such material
27 cannot be done and such public agency refuses to surrender such
28 material, the prosecuting agency may file, in the trial court of
29 general jurisdiction of the county in which such public agency is
30 situated, and serve upon such public agency a petition for an order
31 of such court for the enforcement of this section, except that if
32 such public agency is situated in more than one county such petition
33 shall be filed in the county in which such public agency maintains
34 its principal place of business, or in such other county as may be
35 agreed upon by the parties to such petition. Whenever any petition is
36 filed in the trial court of general jurisdiction of any county under
37 this section, such court shall have jurisdiction to hear and
38 determine the matter presented and to enter such order or orders as
39 may be required to carry into effect the provisions of this section,

1 and may impose such sanctions as are provided for in the civil rules
2 for superior court with respect to discovery motions.

3 (7) This section shall not be applicable to criminal
4 prosecutions.

5 **Sec. 3.** RCW 9.94A.717 and 2020 c 275 s 2 are each amended to
6 read as follows:

7 (1) If an offender sentenced under this chapter or chapter 9.94B
8 RCW is supervised by the department, the offender may earn
9 supervision compliance credit in accordance with procedures that are
10 developed and adopted by the department.

11 (a) The supervision compliance credit shall be awarded to
12 offenders who are in compliance with supervision terms and are making
13 progress towards the goals of their individualized supervision case
14 plan, including: Participation in specific targeted interventions,
15 risk-related programming, or treatment; or completing steps towards
16 specific targeted goals that enhance protective factors and
17 stability, as determined by the department.

18 (b) For each month in compliance with community custody
19 conditions in accordance with (a) of this subsection, an offender may
20 earn supervision compliance credit of ten days.

21 (c) Supervision compliance credit is accrued monthly and time
22 shall not be applied to an offender's term of supervision prior to
23 the earning of the time.

24 (2) An offender is not eligible to earn supervision compliance
25 credit if he or she:

26 (a) Was sentenced under RCW 9.94A.507 or 10.95.030;

27 (b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or
28 9.94A.670;

29 (c) Is subject to supervision pursuant to RCW 9.94A.745;

30 (d) Has an indeterminate sentence and is subject to parole
31 pursuant to RCW 9.95.017; or

32 (e) Is serving community custody pursuant to early release under
33 RCW 9.94A.730.

34 (3) An offender is not eligible to earn supervision compliance
35 credit on any cause being served concurrently with a less restrictive
36 alternative subject to supervision pursuant to RCW 71.09.092.

37 NEW SECTION. **Sec. 4.** If any provision of this act or its
38 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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