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**HOUSE BILL 1451**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Griffey, Leavitt, Couture, Graham, Burnett, Caldier, Jacobsen, Klicker, Nance, and Eslick

Read first time 01/21/25. Referred to Committee on Community Safety.

1 AN ACT Relating to improving community safety and justice in the  
2 civil commitment of sexually violent predators; amending RCW  
3 71.09.020, 71.09.020, 71.09.090, 71.09.092, 71.09.092, 71.09.096,  
4 71.09.096, 71.09.097, 71.09.097, 71.09.140, and 9.94A.717; creating a  
5 new section; providing an effective date; and providing expiration  
6 dates.

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

8 **Sec. 1.** RCW 71.09.020 and 2021 c 236 s 2 are each amended to  
9 read as follows:

10 Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout this chapter.

12 (1) "Department" means the department of social and health  
13 services.

14 (2) "Fair share principles" and "fair share principles of  
15 release" means that each county has adequate options for conditional  
16 release housing placements in a number generally equivalent to the  
17 number of residents from that county who are subject to total  
18 confinement pursuant to this chapter.

19 (3) "Health care facility" means any hospital, hospice care  
20 center, licensed or certified health care facility, health  
21 maintenance organization regulated under chapter 48.46 RCW, federally

1 qualified health maintenance organization, federally approved renal  
2 dialysis center or facility, or federally approved blood bank.

3 (4) "Health care practitioner" means an individual or firm  
4 licensed or certified to engage actively in a regulated health  
5 profession.

6 (5) "Health care services" means those services provided by  
7 health professionals licensed pursuant to RCW 18.120.020(4).

8 (6) "Health profession" means those licensed or regulated  
9 professions set forth in RCW 18.120.020(4).

10 (7) "Less restrictive alternative" means court-ordered treatment  
11 in a setting less restrictive than total confinement which satisfies  
12 the conditions set forth in RCW 71.09.092. A less restrictive  
13 alternative may not include placement in the community protection  
14 program as pursuant to RCW 71A.12.230.

15 (8) "Likely to engage in predatory acts of sexual violence if not  
16 confined in a secure facility" means that the person more probably  
17 than not will engage in such acts if released unconditionally from  
18 detention on the sexually violent predator petition. Such likelihood  
19 must be evidenced by a recent overt act if the person is not totally  
20 confined at the time the petition is filed under RCW 71.09.030.

21 (9) "Mental abnormality" means a congenital or acquired condition  
22 affecting the emotional or volitional capacity which predisposes the  
23 person to the commission of criminal sexual acts in a degree  
24 constituting such person a menace to the health and safety of others.

25 (10) "Personality disorder" means an enduring pattern of inner  
26 experience and behavior that deviates markedly from the expectations  
27 of the individual's culture, is pervasive and inflexible, has onset  
28 in adolescence or early adulthood, is stable over time and leads to  
29 distress or impairment. Purported evidence of a personality disorder  
30 must be supported by testimony of a licensed forensic psychologist or  
31 psychiatrist.

32 (11) "Predatory" means acts directed towards: (a) Strangers; (b)  
33 individuals with whom a relationship has been established or promoted  
34 for the primary purpose of victimization; or (c) persons of casual  
35 acquaintance with whom no substantial personal relationship exists.

36 (12) "Prosecuting agency" means the prosecuting attorney of the  
37 county where the person was convicted or charged or the attorney  
38 general if requested by the prosecuting attorney, as provided in RCW  
39 71.09.030.

1 (13) "Recent overt act" means any act, threat, or combination  
2 thereof that has either caused harm of a sexually violent nature or  
3 creates a reasonable apprehension of such harm in the mind of an  
4 objective person who knows of the history and mental condition of the  
5 person engaging in the act or behaviors.

6 (14) "Risk potential activity" or "risk potential facility" means  
7 an activity or facility that provides a higher incidence of risk to  
8 the public from persons conditionally released from the special  
9 commitment center. Risk potential activities and facilities include:  
10 Public and private schools, school bus stops, licensed day care and  
11 licensed preschool facilities, public parks, publicly dedicated  
12 trails, sports fields, playgrounds, recreational and community  
13 centers, churches, synagogues, temples, mosques, public libraries,  
14 public and private youth camps, and (~~others~~) other locations where  
15 children are known to congregate identified by the department  
16 following the hearings on a potential site required in RCW 71.09.315.  
17 For purposes of this chapter, "school bus stops" does not include bus  
18 stops established primarily for public transit.

19 (15) "Secretary" means the secretary of social and health  
20 services or the secretary's designee.

21 (16) "Secure community transition facility" means a residential  
22 facility for persons civilly committed and conditionally released to  
23 a less restrictive alternative under this chapter. A secure community  
24 transition facility has supervision and security, and either provides  
25 or ensures the provision of sex offender treatment services. Secure  
26 community transition facilities include but are not limited to the  
27 facility established pursuant to RCW 71.09.250(1)(a)(i) and any  
28 community-based facilities established under this chapter and  
29 operated by the secretary or under contract with the secretary.

30 (17) "Secure facility" means a residential facility for persons  
31 civilly confined under the provisions of this chapter that includes  
32 security measures sufficient to protect the community. Such  
33 facilities include total confinement facilities, secure community  
34 transition facilities, and any residence used as a court-ordered  
35 placement under RCW 71.09.096.

36 (18) "Sexually violent offense" means an act committed on,  
37 before, or after July 1, 1990, that is: (a) An act defined in Title  
38 9A RCW as rape in the first degree, rape in the second degree by  
39 forcible compulsion, rape of a child in the first or second degree,  
40 statutory rape in the first or second degree, indecent liberties by

1 forcible compulsion, indecent liberties against a child under age  
2 fourteen, incest against a child under age fourteen, or child  
3 molestation in the first or second degree; (b) a felony offense in  
4 effect at any time prior to July 1, 1990, that is comparable to a  
5 sexually violent offense as defined in (a) of this subsection, or any  
6 federal or out-of-state conviction for a felony offense that under  
7 the laws of this state would be a sexually violent offense as defined  
8 in this subsection; (c) an act of murder in the first or second  
9 degree, assault in the first or second degree, assault of a child in  
10 the first or second degree, kidnapping in the first or second degree,  
11 burglary in the first degree, residential burglary, or unlawful  
12 imprisonment, which act, either at the time of sentencing for the  
13 offense or subsequently during civil commitment proceedings pursuant  
14 to this chapter, has been determined beyond a reasonable doubt to  
15 have been sexually motivated, as that term is defined in RCW  
16 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is  
17 an attempt, criminal solicitation, or criminal conspiracy to commit  
18 one of the felonies designated in (a), (b), or (c) of this  
19 subsection.

20 (19) "Sexually violent predator" means any person who has been  
21 convicted of or charged with a crime of sexual violence and who  
22 suffers from a mental abnormality or personality disorder which makes  
23 the person likely to engage in predatory acts of sexual violence if  
24 not confined in a secure facility.

25 (20) "Total confinement facility" means a secure facility that  
26 provides supervision and sex offender treatment services in a total  
27 confinement setting. Total confinement facilities include the special  
28 commitment center and any similar facility designated as a total  
29 confinement facility by the secretary.

30 (21) "Treatment" means the sex offender specific treatment  
31 program at the special commitment center or a specific course of sex  
32 offender treatment pursuant to RCW 71.09.092 (1) and (2).

33 **Sec. 2.** RCW 71.09.020 and 2021 c 236 s 2 are each amended to  
34 read as follows:

35 Unless the context clearly requires otherwise, the definitions in  
36 this section apply throughout this chapter.

37 (1) "Department" means the department of social and health  
38 services.

1 (2) "Fair share principles" and "fair share principles of  
2 release" means that each ((~~county~~)) region within the state has  
3 adequate options for conditional release housing placements in a  
4 number generally equivalent to the number of residents from that  
5 ((~~county~~)) region who are subject to total confinement pursuant to  
6 this chapter.

7 (3) "Health care facility" means any hospital, hospice care  
8 center, licensed or certified health care facility, health  
9 maintenance organization regulated under chapter 48.46 RCW, federally  
10 qualified health maintenance organization, federally approved renal  
11 dialysis center or facility, or federally approved blood bank.

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13 licensed or certified to engage actively in a regulated health  
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15 (5) "Health care services" means those services provided by  
16 health professionals licensed pursuant to RCW 18.120.020(4).

17 (6) "Health profession" means those licensed or regulated  
18 professions set forth in RCW 18.120.020(4).

19 (7) "Less restrictive alternative" means court-ordered treatment  
20 in a setting less restrictive than total confinement which satisfies  
21 the conditions set forth in RCW 71.09.092. A less restrictive  
22 alternative may not include placement in the community protection  
23 program as pursuant to RCW 71A.12.230. A less restrictive alternative  
24 shall only include a housing placement that is owned by the  
25 department, operated by the department, or operated under contract  
26 with the department.

27 (8) "Likely to engage in predatory acts of sexual violence if not  
28 confined in a secure facility" means that the person more probably  
29 than not will engage in such acts if released unconditionally from  
30 detention on the sexually violent predator petition. Such likelihood  
31 must be evidenced by a recent overt act if the person is not totally  
32 confined at the time the petition is filed under RCW 71.09.030.

33 (9) "Mental abnormality" means a congenital or acquired condition  
34 affecting the emotional or volitional capacity which predisposes the  
35 person to the commission of criminal sexual acts in a degree  
36 constituting such person a menace to the health and safety of others.

37 (10) "Personality disorder" means an enduring pattern of inner  
38 experience and behavior that deviates markedly from the expectations  
39 of the individual's culture, is pervasive and inflexible, has onset  
40 in adolescence or early adulthood, is stable over time and leads to

1 distress or impairment. Purported evidence of a personality disorder  
2 must be supported by testimony of a licensed forensic psychologist or  
3 psychiatrist.

4 (11) "Predatory" means acts directed towards: (a) Strangers; (b)  
5 individuals with whom a relationship has been established or promoted  
6 for the primary purpose of victimization; or (c) persons of casual  
7 acquaintance with whom no substantial personal relationship exists.

8 (12) "Prosecuting agency" means the prosecuting attorney of the  
9 county where the person was convicted or charged or the attorney  
10 general if requested by the prosecuting attorney, as provided in RCW  
11 71.09.030.

12 (13) "Recent overt act" means any act, threat, or combination  
13 thereof that has either caused harm of a sexually violent nature or  
14 creates a reasonable apprehension of such harm in the mind of an  
15 objective person who knows of the history and mental condition of the  
16 person engaging in the act or behaviors.

17 (14) "Risk potential activity" or "risk potential facility" means  
18 an activity or facility that provides a higher incidence of risk to  
19 the public from persons conditionally released from the special  
20 commitment center. Risk potential activities and facilities include:  
21 Public and private schools, school bus stops, licensed day care and  
22 licensed preschool facilities, public parks, publicly dedicated  
23 trails, sports fields, playgrounds, recreational and community  
24 centers, churches, synagogues, temples, mosques, public libraries,  
25 public and private youth camps, and ~~((others))~~ other locations where  
26 children are known to congregate identified by the department  
27 following the hearings on a potential site required in RCW 71.09.315.  
28 For purposes of this chapter, "school bus stops" does not include bus  
29 stops established primarily for public transit.

30 (15) "Secretary" means the secretary of social and health  
31 services or the secretary's designee.

32 (16) "Secure community transition facility" means a residential  
33 facility for persons civilly committed and conditionally released to  
34 a less restrictive alternative under this chapter. A secure community  
35 transition facility has supervision and security, and either provides  
36 or ensures the provision of sex offender treatment services. Secure  
37 community transition facilities include but are not limited to the  
38 facility established pursuant to RCW 71.09.250(1)(a)(i) and any  
39 community-based facilities established under this chapter and  
40 operated by the secretary or under contract with the secretary.

1 (17) "Secure facility" means a residential facility for persons  
2 civilly confined under the provisions of this chapter that includes  
3 security measures sufficient to protect the community. Such  
4 facilities include total confinement facilities, secure community  
5 transition facilities, and any residence used as a court-ordered  
6 placement under RCW 71.09.096.

7 (18) "Sexually violent offense" means an act committed on,  
8 before, or after July 1, 1990, that is: (a) An act defined in Title  
9 9A RCW as rape in the first degree, rape in the second degree by  
10 forcible compulsion, rape of a child in the first or second degree,  
11 statutory rape in the first or second degree, indecent liberties by  
12 forcible compulsion, indecent liberties against a child under age  
13 fourteen, incest against a child under age fourteen, or child  
14 molestation in the first or second degree; (b) a felony offense in  
15 effect at any time prior to July 1, 1990, that is comparable to a  
16 sexually violent offense as defined in (a) of this subsection, or any  
17 federal or out-of-state conviction for a felony offense that under  
18 the laws of this state would be a sexually violent offense as defined  
19 in this subsection; (c) an act of murder in the first or second  
20 degree, assault in the first or second degree, assault of a child in  
21 the first or second degree, kidnapping in the first or second degree,  
22 burglary in the first degree, residential burglary, or unlawful  
23 imprisonment, which act, either at the time of sentencing for the  
24 offense or subsequently during civil commitment proceedings pursuant  
25 to this chapter, has been determined beyond a reasonable doubt to  
26 have been sexually motivated, as that term is defined in RCW  
27 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is  
28 an attempt, criminal solicitation, or criminal conspiracy to commit  
29 one of the felonies designated in (a), (b), or (c) of this  
30 subsection.

31 (19) "Sexually violent predator" means any person who has been  
32 convicted of or charged with a crime of sexual violence and who  
33 suffers from a mental abnormality or personality disorder which makes  
34 the person likely to engage in predatory acts of sexual violence if  
35 not confined in a secure facility.

36 (20) "Total confinement facility" means a secure facility that  
37 provides supervision and sex offender treatment services in a total  
38 confinement setting. Total confinement facilities include the special  
39 commitment center and any similar facility designated as a total  
40 confinement facility by the secretary.

1 (21) "Treatment" means the sex offender specific treatment  
2 program at the special commitment center or a specific course of sex  
3 offender treatment pursuant to RCW 71.09.092 (1) and (2).

4 **Sec. 3.** RCW 71.09.090 and 2021 c 236 s 4 are each amended to  
5 read as follows:

6 (1)(a) If the secretary determines that the person's condition  
7 has so changed that the person no longer meets the definition of a  
8 sexually violent predator, the secretary shall authorize the person  
9 to petition the court for unconditional discharge. The petition shall  
10 be filed with the court and served upon the prosecuting agency  
11 responsible for the initial commitment. The court, upon receipt of  
12 the petition for unconditional discharge, shall within 45 days order  
13 a hearing.

14 (b) If the secretary determines that the person's condition has  
15 so changed that conditional release to a less restrictive alternative  
16 is in the best interest of the person and conditions can be imposed  
17 that adequately protect the community, then the secretary shall  
18 authorize the person to petition the court for conditional release to  
19 a less restrictive alternative. Upon receipt of the petition, the  
20 court shall order the department to identify a less restrictive  
21 alternative placement that satisfies RCW 71.09.092 (1) through (4).  
22 Once identified, notice of the placement shall be filed with the  
23 court and served upon: The prosecuting agency responsible for the  
24 initial commitment; the prosecuting agency of the county where the  
25 person will be conditionally released to; any person or persons  
26 identified in RCW 71.09.140(2)(a) who have opted to receive  
27 notifications under this chapter; and the person and his or her  
28 counsel. If the department cannot identify a placement available to  
29 the person that satisfies RCW 71.09.092 (1) through (4) within 90  
30 days, the department shall provide a written certification to the  
31 court, the prosecuting agency responsible for the initial commitment,  
32 the prosecuting agency of the county where the person will be  
33 conditionally released to, and the person and his or her counsel,  
34 detailing the efforts of the department to identify a qualifying  
35 placement. Upon the department's certification, the person may  
36 propose a placement that satisfies RCW 71.09.092 (1) through (3).  
37 After a less restrictive placement has been proposed by either the  
38 department or the person, the court shall within 45 days order a  
39 hearing.



1           (2)(a) Nothing contained in this chapter shall prohibit the  
2 person from otherwise petitioning the court for conditional release  
3 to a less restrictive alternative or unconditional discharge without  
4 the secretary's approval. The secretary shall provide the committed  
5 person with an annual written notice of the person's right to  
6 petition the court for conditional release to a less restrictive  
7 alternative or unconditional discharge over the secretary's  
8 objection. The notice shall contain a waiver of rights. The secretary  
9 shall file the notice and waiver form and the annual report with the  
10 court. If the person does not affirmatively waive the right to  
11 petition, the court shall set a show cause hearing to determine  
12 whether probable cause exists to warrant a hearing on whether the  
13 person's condition has so changed that: (i) He or she no longer meets  
14 the definition of a sexually violent predator; or (ii) conditional  
15 release to a proposed less restrictive alternative would be in the  
16 best interest of the person and conditions can be imposed that would  
17 adequately protect the community.

18           (b)(i) The committed person shall have a right to have an  
19 attorney represent him or her at the show cause hearing, which may be  
20 conducted solely on the basis of affidavits or declarations, but the  
21 person is not entitled to be present at the show cause hearing. At  
22 the show cause hearing, the prosecuting agency shall present prima  
23 facie evidence establishing: (A) That the committed person continues  
24 to meet the definition of a sexually violent predator; and (B) that a  
25 less restrictive alternative is not in the best interest of the  
26 person and conditions cannot be imposed that adequately protect the  
27 community.

28           (ii)(A) If the state produces prima facie evidence that the  
29 committed person continues to be a sexually violent predator, then  
30 the state's burden under (b)(i)(A) of this subsection is met and an  
31 unconditional release trial may not be ordered unless the committed  
32 person produces evidence satisfying: Subsection (4)(a) of this  
33 section; and subsection (4)(b) (i) or (ii) of this section.

34           (B) If the state produces prima facie evidence that a less  
35 restrictive alternative is not appropriate for the committed person,  
36 then the state's burden under (b)(i)(B) of this subsection is met,  
37 and a conditional release trial may not be ordered unless the  
38 committed person:

39           (I) Produces evidence satisfying: Subsection (4)(a) of this  
40 section; and subsection (4)(b) (i) or (ii) of this section; and

1 (II) Presents the court with a specific placement satisfying the  
2 requirements of RCW 71.09.092.

3 (iii) In making the showing required under (b)(i) of this  
4 subsection, the state may rely exclusively upon the annual report  
5 prepared pursuant to RCW 71.09.070. The committed person may present  
6 responsive affidavits or declarations to which the state may reply.

7 (c)(i) If the court at the show cause hearing determines that  
8 either: (A) The state has failed to present prima facie evidence that  
9 the committed person continues to meet the definition of a sexually  
10 violent predator; or (B) probable cause exists to believe that the  
11 person's condition has so changed that the person no longer meets the  
12 definition of a sexually violent predator, then the court shall set a  
13 hearing on the issue of unconditional discharge.

14 (ii) If the court at the show cause hearing determines that the  
15 state has failed to present prima facie evidence that no proposed  
16 less restrictive alternative is in the best interest of the person  
17 and conditions cannot be imposed that would adequately protect the  
18 community, the court shall enter an order directing the department to  
19 propose a less restrictive alternative that satisfies RCW 71.09.092  
20 (1) through (4). If the department cannot identify a placement  
21 available to the person that satisfies RCW 71.09.092 (1) through (4)  
22 within 90 days, the department shall provide a written certification  
23 to the court, the prosecuting agency responsible for the initial  
24 commitment, and the person and his or her counsel, detailing the  
25 efforts of the department to identify a qualifying placement. Upon  
26 the department's certification, the person may propose a placement  
27 that satisfies RCW 71.09.092 (1) through (3). After a less  
28 restrictive placement has been proposed by either the department or  
29 the person, the court shall set a hearing on the issue of conditional  
30 release.

31 (iii) If the court at the show cause hearing determines, based on  
32 the evidence submitted by the person, that probable cause exists to  
33 believe that release to a less restrictive alternative would be in  
34 the best interest of the person and conditions can be imposed that  
35 would adequately protect the community, the court shall set a hearing  
36 on the issue of conditional release (~~(if the person presents the~~  
37 ~~court with a specific placement that satisfies the requirements of~~  
38 ~~RCW 71.09.092)) and order the department to identify a less  
39 restrictive placement that satisfies the requirements of RCW  
40 71.09.092. If the department cannot identify a placement that~~

1 satisfies the requirements of RCW 71.09.092 within 90 days, the  
2 department shall provide a written certification to the court, the  
3 prosecuting agency responsible for the initial commitment, and the  
4 person and his or her counsel, detailing the efforts of the  
5 department to identify a qualifying placement. Upon the department's  
6 certification, the person may propose a placement that satisfies RCW  
7 71.09.092 (1) through (3).

8 (d) If the court has not previously considered the issue of  
9 release to a less restrictive alternative, either through a trial on  
10 the merits or through the procedures set forth in RCW 71.09.094(1),  
11 or if an immediately preceding less restrictive alternative was  
12 revoked due to the loss of adequate housing or treatment for reasons  
13 other than noncompliance with housing requirements, treatment, or  
14 other conditions of the less restrictive alternative, the court shall  
15 consider whether release to a less restrictive alternative would be  
16 in the best interests of the person and conditions can be imposed  
17 that would adequately protect the community, without considering  
18 whether the person's condition has changed.

19 (3)(a) At the hearing resulting from subsection (1) or (2) of  
20 this section, the committed person shall be entitled to be present  
21 and to the benefit of all constitutional protections that were  
22 afforded to the person at the initial commitment proceeding. The  
23 prosecuting agency shall represent the state and shall have a right  
24 to a jury trial and to have the committed person evaluated by experts  
25 chosen by the state. The prosecuting agency shall have a right to a  
26 current evaluation of the person by experts chosen by the state. The  
27 judge may require the person to complete any or all of the following  
28 procedures or tests if requested by the evaluator: (i) A clinical  
29 interview; (ii) psychological testing; (iii) plethysmograph testing;  
30 and (iv) polygraph testing. The judge may order the person to  
31 complete any other procedures and tests relevant to the evaluation.  
32 The state is responsible for the costs of the evaluation. The  
33 committed person shall also have the right to a jury trial and the  
34 right to have experts evaluate him or her on his or her behalf and  
35 the court shall appoint an expert if the person is indigent and  
36 requests an appointment.

37 (b) Whenever any indigent person is subjected to an evaluation  
38 under (a) of this subsection, the office of public defense is  
39 responsible for the cost of one expert or professional person  
40 conducting an evaluation on the person's behalf. When the person

1 wishes to be evaluated by a qualified expert or professional person  
2 of his or her own choice, such expert or professional person must be  
3 permitted to have reasonable access to the person for the purpose of  
4 such evaluation, as well as to all relevant medical and psychological  
5 records and reports. In the case of a person who is indigent, the  
6 court shall, upon the person's request, assist the person in  
7 obtaining an expert or professional person to perform an evaluation  
8 or participate in the hearing on the person's behalf. Nothing in this  
9 chapter precludes the person from paying for additional expert  
10 services at his or her own expense.

11 (c) If the issue at the hearing is whether the person should be  
12 unconditionally discharged, the burden of proof shall be upon the  
13 state to prove beyond a reasonable doubt that the committed person's  
14 condition remains such that the person continues to meet the  
15 definition of a sexually violent predator. Evidence of the prior  
16 commitment trial and disposition is admissible. The recommitment  
17 proceeding shall otherwise proceed as set forth in RCW 71.09.050 and  
18 71.09.060.

19 (d) If the issue at the hearing is whether the person should be  
20 conditionally released to a less restrictive alternative, the burden  
21 of proof at the hearing shall be upon the state to prove beyond a  
22 reasonable doubt that conditional release to any proposed less  
23 restrictive alternative either: (i) Is not in the best interest of  
24 the committed person; or (ii) does not include conditions that would  
25 adequately protect the community. Evidence of the prior commitment  
26 trial and disposition is admissible.

27 (4) (a) Probable cause exists to believe that a person's condition  
28 has "so changed," under subsection (2) of this section, only when  
29 evidence exists, since the person's last commitment trial, or less  
30 restrictive alternative revocation proceeding, of a substantial  
31 change in the person's physical or mental condition such that the  
32 person either no longer meets the definition of a sexually violent  
33 predator or that a conditional release to a less restrictive  
34 alternative is in the person's best interest and conditions can be  
35 imposed to adequately protect the community.

36 (b) A new trial proceeding under subsection (3) of this section  
37 may be ordered, or a trial proceeding may be held, only when there is  
38 current evidence from a licensed professional of one of the following  
39 and the evidence presents a change in condition since the person's  
40 last commitment trial proceeding:

1 (i) An identified physiological change to the person, such as  
2 paralysis, stroke, or dementia, that renders the committed person  
3 unable to commit a sexually violent act and this change is permanent;  
4 or

5 (ii) A change in the person's mental condition brought about  
6 through positive response to continuing participation in sex offender  
7 treatment which indicates that the person meets the standard for  
8 conditional release to a less restrictive alternative or that the  
9 person would be safe to be at large if unconditionally released from  
10 commitment.

11 (c) For purposes of this section, a change in a single  
12 demographic factor, without more, does not establish probable cause  
13 for a new trial proceeding under subsection (3) of this section. As  
14 used in this section, a single demographic factor includes, but is  
15 not limited to, a change in the chronological age, marital status, or  
16 gender of the committed person.

17 (5) Whenever the person petitions the court for conditional  
18 release to a less restrictive alternative, regardless of whether the  
19 petition is authorized by the secretary, the person may not propose a  
20 specific less restrictive alternative placement unless:

21 (a) The court orders the department to identify a less  
22 restrictive alternative placement available to the person pursuant to  
23 subsection (1)(b) of this section or (c)(ii) of this subsection (2);  
24 the department does not identify a qualifying placement within 90  
25 days; and the department provides a written certification to the  
26 court, the prosecuting agency responsible for the initial commitment,  
27 and the person and his or her counsel, detailing the efforts of the  
28 department to identify a qualifying placement; or

29 (b) The person provides notice to the court and the prosecuting  
30 agency responsible for the initial commitment of his or her intent to  
31 propose a specific less restrictive alternative placement; the court  
32 provides the department 90 days to identify a less restrictive  
33 alternative placement available to the person that satisfies RCW  
34 71.09.092 (1) through (4); and the department either:

35 (i) Identifies a qualifying placement within 90 days; or

36 (ii) Does not identify a qualifying placement, and instead  
37 provides a written certification to the court, the prosecuting agency  
38 responsible for the initial commitment, and the person and his or her  
39 counsel, detailing the efforts of the department to identify a  
40 qualifying placement.

1        (6) When the court enters an order for unconditional discharge of  
2 a person from an immediately preceding less restrictive placement,  
3 the court must direct the clerk to transmit a copy of the order to  
4 the department of corrections for discharge process and termination  
5 of cause.

6        ~~((+6))~~ (7) The jurisdiction of the court over a person civilly  
7 committed pursuant to this chapter continues until such time as the  
8 person is unconditionally discharged.

9        ~~((+7))~~ (8) During any period of confinement pursuant to a  
10 criminal conviction, or for any period of detention awaiting trial on  
11 criminal charges, this section is suspended.

12        **Sec. 4.** RCW 71.09.092 and 2021 c 236 s 5 are each amended to  
13 read as follows:

14        Before the court may enter an order directing conditional release  
15 to a less restrictive alternative, it must find the following: (1)  
16 The person will be treated by a treatment provider who is qualified  
17 to provide such treatment in the state of Washington under chapter  
18 18.155 RCW; (2) the treatment provider has presented a specific  
19 course of treatment and has agreed to assume responsibility for such  
20 treatment and will report progress to the court on a regular basis,  
21 and will report violations immediately to the court, the prosecutor,  
22 the supervising community corrections officer, and the superintendent  
23 of the special commitment center; (3) housing exists in Washington  
24 that complies with distance restrictions under RCW 71.09.096(4)(a),  
25 is sufficiently secure to protect the community, and the person or  
26 agency providing housing to the conditionally released person has  
27 agreed in writing to accept the person, to provide the level of  
28 security required by the court, and immediately to report to the  
29 court, the prosecutor, the supervising community corrections officer,  
30 and the superintendent of the special commitment center if the person  
31 leaves the housing to which he or she has been assigned without  
32 authorization; (4) if the department has proposed housing that is  
33 outside of the county of commitment, a documented effort was made by  
34 the department to ensure that placement is consistent with fair share  
35 principles of release; (5) the person is willing to comply with the  
36 treatment provider and all requirements imposed by the treatment  
37 provider and by the court; and (6) the person will be under the  
38 supervision of the department of corrections and is willing to comply

1 with supervision requirements imposed by the department of  
2 corrections.

3 **Sec. 5.** RCW 71.09.092 and 2021 c 236 s 5 are each amended to  
4 read as follows:

5 Before the court may enter an order directing conditional release  
6 to a less restrictive alternative, it must find the following: (1)  
7 The person will be treated by a treatment provider who is qualified  
8 to provide such treatment in the state of Washington under chapter  
9 18.155 RCW; (2) the treatment provider has presented a specific  
10 course of treatment and has agreed to assume responsibility for such  
11 treatment and will report progress to the court on a regular basis,  
12 and will report violations immediately to the court, the prosecutor,  
13 the supervising community corrections officer, and the superintendent  
14 of the special commitment center; (3) housing exists in Washington  
15 that complies with distance restrictions under RCW 71.09.096(4)(a),  
16 is sufficiently secure to protect the community, is owned by the  
17 department, operated by the department, or operated under contract  
18 with the department, and the person or agency providing housing to  
19 the conditionally released person has agreed in writing to accept the  
20 person, to provide the level of security required by the court, and  
21 immediately to report to the court, the prosecutor, the supervising  
22 community corrections officer, and the superintendent of the special  
23 commitment center if the person leaves the housing to which he or she  
24 has been assigned without authorization; (4) if the department has  
25 proposed housing that is outside of the county of commitment, a  
26 documented effort was made by the department to ensure that placement  
27 is consistent with fair share principles of release; (5) the person  
28 is willing to comply with the treatment provider and all requirements  
29 imposed by the treatment provider and by the court; and (6) the  
30 person will be under the supervision of the department of corrections  
31 and is willing to comply with supervision requirements imposed by the  
32 department of corrections.

33 **Sec. 6.** RCW 71.09.096 and 2021 c 236 s 6 are each amended to  
34 read as follows:

35 (1) If the court or jury determines that conditional release to a  
36 less restrictive alternative is in the best interest of the person  
37 and includes conditions that would adequately protect the community,  
38 and the court determines that the minimum conditions set forth in RCW

1 71.09.092 and in this section are met, the court shall enter judgment  
2 and direct a conditional release.

3 (2) The court shall impose any additional conditions necessary to  
4 ensure compliance with treatment and to protect the community. If the  
5 court finds that conditions do not exist that will both ensure the  
6 person's compliance with treatment and protect the community, then  
7 the person shall be remanded to the custody of the department of  
8 social and health services for control, care, and treatment in a  
9 secure facility as designated in RCW 71.09.060(1).

10 (3) If the service provider designated by the court to provide  
11 inpatient or outpatient treatment or to monitor or supervise any  
12 other terms and conditions of a person's placement in a less  
13 restrictive alternative is other than the department of social and  
14 health services or the department of corrections, then the service  
15 provider so designated must agree in writing to provide such  
16 treatment, monitoring, or supervision in accord with this section.  
17 Any person providing or agreeing to provide treatment, monitoring, or  
18 supervision services pursuant to this chapter may be compelled to  
19 testify and any privilege with regard to such person's testimony is  
20 deemed waived.

21 (4)(a) Prior to authorizing any release to a less restrictive  
22 alternative, the court shall impose such conditions upon the person  
23 as are necessary to ensure the safety of the community, which must  
24 include, at minimum, the condition that the person will be subject to  
25 electronic monitoring that, to the extent feasible, provides real-  
26 time tracking, programmable inclusion and exclusion zones, and the  
27 ability to provide notifications if the person tampers with the  
28 monitoring device or enters an exclusion zone. In imposing  
29 conditions, the court must impose a restriction on the proximity of  
30 the person's residence to public or private schools providing  
31 instruction to kindergarten or any grades one through 12 in  
32 accordance with RCW 72.09.340. Courts shall require a minimum  
33 distance restriction of 500 feet on the proximity of the person's  
34 residence to child care facilities, official school bus stops,  
35 academic or educational programs, and public or private schools  
36 providing instruction to kindergarten or any grades one through 12.  
37 The court shall order the department of corrections to investigate  
38 the less restrictive alternative and, within 60 days of the order to  
39 investigate, recommend any additional conditions to the court. These  
40 conditions shall be individualized to address the person's specific



1 risk factors and criminogenic needs and may include, but are not  
2 limited to(~~(+)~~), the following: Specification of residence or  
3 restrictions on residence including distance restrictions,  
4 specification of contact with a reasonable number of individuals upon  
5 the person's request who are verified by the department of  
6 corrections to be appropriate social contacts, prohibition of contact  
7 with potential or past victims, prohibition of alcohol and other drug  
8 use, participation in a specific course of inpatient or outpatient  
9 treatment that may include monitoring by the use of polygraph and  
10 plethysmograph, monitoring through the use of global positioning  
11 system technology, supervision by a department of corrections  
12 community corrections officer, a requirement that the person remain  
13 within the state unless the person receives prior authorization by  
14 the court, and any other conditions that the court determines are in  
15 the best interest of the person or others. A copy of the conditions  
16 of release shall be given to the person and to any designated service  
17 providers.

18 (b) To the greatest extent possible, the person, person's  
19 counsel, prosecuting agency responsible for the initial commitment,  
20 the prosecuting agency of the county where the person will be  
21 conditionally released to, treatment provider, supervising community  
22 corrections officer, and appropriate clinical staff of the special  
23 commitment center shall meet and collaborate to craft individualized,  
24 narrowly tailored, and empirically based conditions to present to the  
25 court to help facilitate the person's successful transition to the  
26 community. The prosecuting agency of the county where the person will  
27 be conditionally released to may waive its participation in the  
28 development of these conditions.

29 (5) (a) Prior to authorizing release to a less restrictive  
30 alternative proposed by the department, the court shall consider  
31 whether the person's less restrictive alternative placement is in  
32 accordance with fair share principles. To ensure equitable  
33 distribution of releases, and prevent the disproportionate grouping  
34 of persons subject to less restrictive orders in any one county, or  
35 in any one jurisdiction or community within a county, the legislature  
36 finds it is appropriate for releases to a less restrictive  
37 alternative to occur in a manner that adheres to fair share  
38 principles. The legislature recognizes that there may be reasons why  
39 the department may not recommend that a person be released to his or  
40 her county of commitment, including availability of individualized

1 resources, the person's support needs, or when the court determines  
2 that the person's return to his or her county of commitment would be  
3 inappropriate considering any court-issued protection orders, victim  
4 safety concerns that cannot be addressed through use of global  
5 positioning system technology, the unavailability of appropriate  
6 treatment or facilities that would adequately protect the community,  
7 negative influences on the person, and the location of family or  
8 other persons or organizations offering support to the person. If the  
9 court authorizes conditional release based on the department's  
10 proposal to a county other than the county of commitment, the court  
11 shall enter specific findings regarding its decision and identify  
12 whether the release remains in line with fair share principles.

13 (b) (i) When the department develops a less restrictive  
14 alternative placement under this section, it shall attempt to  
15 identify a placement satisfying the requirements of RCW 71.09.092  
16 that is aligned with fair share principles. The department shall  
17 document its rationale for the recommended placement.

18 (ii) If the department does not support or recommend conditional  
19 release to a less restrictive alternative due to a clinical  
20 determination, the department shall document its objection and  
21 certify that the department is developing the less restrictive  
22 alternative pursuant to a court order and not because of a clinical  
23 determination.

24 (iii) When the department develops or proposes a less restrictive  
25 alternative placement under this chapter, it shall be considered a  
26 predisposition recommendation.

27 (iv) In developing, modifying, and enforcing less restrictive  
28 alternatives, the department shall be deemed to be performing a  
29 quasi-judicial function.

30 (c) If the committed person is not conditionally released to his  
31 or her county of commitment, the department shall provide the law and  
32 justice council of the county in which the person is conditionally  
33 released with notice and a written explanation, including whether the  
34 department remains in compliance with fair share principles regarding  
35 releases under this chapter.

36 (d) For purposes of this section, the person's county of  
37 commitment means the county of the court which ordered the person's  
38 commitment.

39 (e) This subsection (5) does not apply to releases to a secure  
40 community transition facility under RCW 71.09.250.

1 (6) (a) When ordered by the court, the department must provide  
2 less restrictive alternative treatment that includes, at a minimum:

3 (i) The services identified in the person's discharge plan as  
4 outlined in RCW 71.09.080(4);

5 (ii) The assignment of a community care coordinator;

6 (iii) Regular contacts with providers of court-ordered treatment  
7 services;

8 (iv) Community escorts, if needed;

9 (v) A transition plan that addresses the person's access to  
10 continued services upon unconditional discharge;

11 (vi) Financial support for necessary housing;

12 (vii) Life skills training and disability accommodations, if  
13 needed; and

14 (viii) Assistance in pursuing benefits, education, and  
15 employment.

16 (b) At the time the department of corrections is ordered to  
17 investigate a proposed less restrictive alternative placement,  
18 subject to the availability of amounts appropriated for this specific  
19 purpose, the department shall assign a social worker to assist the  
20 person with discharge planning, pursuing benefits, and coordination  
21 of care prior to release.

22 (i) The social worker shall assist the person with completing  
23 applications for benefits prior to the person's release from total  
24 confinement.

25 (ii) To promote continuity of care and the individual's success  
26 in the community, the department social worker shall be responsible  
27 for initiating a clinical transition of care between the last  
28 treating clinician at the special commitment center and the person's  
29 designated community treatment provider. This transition between one  
30 clinical setting to another shall occur no later than 15 days before  
31 an individual's release from the special commitment center.

32 (iii) If applicable, the social worker shall assist the person  
33 with locating any needed disability accommodations in the community  
34 and with obtaining resources to help address the person's identified  
35 life skills needs prior to release from total confinement.

36 (7) Any service provider designated to provide inpatient or  
37 outpatient treatment shall monthly, or as otherwise directed by the  
38 court, submit to the court, to the department of social and health  
39 services facility from which the person was released, to the  
40 prosecuting agency, and to the supervising community corrections

1 officer, a report stating whether the person is complying with the  
2 terms and conditions of the conditional release to a less restrictive  
3 alternative.

4 (8) Each person released to a less restrictive alternative shall  
5 have his or her case reviewed by the court that released him or her  
6 no later than one year after such release and annually thereafter  
7 until the person is unconditionally discharged. Review may occur in a  
8 shorter time or more frequently, if the court, in its discretion on  
9 its own motion, or on motion of the person, the secretary, or the  
10 prosecuting ~~((agency))~~ agencies so ~~((determines))~~ determine. The  
11 questions to be determined by the court are whether the person shall  
12 continue to be conditionally released to a less restrictive  
13 alternative, and if so, whether a modification to the person's less  
14 restrictive alternative order is appropriate to ensure the  
15 conditional release remains in the best interest of the person and  
16 adequate to protect the victim and the community. The court in making  
17 its determination shall be aided by the periodic reports filed  
18 pursuant to subsection (7) of this section and the opinions of the  
19 secretary and other experts or professional persons.

20 **Sec. 7.** RCW 71.09.096 and 2021 c 236 s 6 are each amended to  
21 read as follows:

22 (1) If the court or jury determines that conditional release to a  
23 less restrictive alternative is in the best interest of the person  
24 and includes conditions that would adequately protect the community,  
25 and the court determines that the minimum conditions set forth in RCW  
26 71.09.092 and in this section are met, the court shall enter judgment  
27 and direct a conditional release.

28 (2) The court shall impose any additional conditions necessary to  
29 ensure compliance with treatment and to protect the community. If the  
30 court finds that conditions do not exist that will both ensure the  
31 person's compliance with treatment and protect the community, then  
32 the person shall be remanded to the custody of the department of  
33 social and health services for control, care, and treatment in a  
34 secure facility as designated in RCW 71.09.060(1).

35 (3) If the service provider designated by the court to provide  
36 inpatient or outpatient treatment or to monitor or supervise any  
37 other terms and conditions of a person's placement in a less  
38 restrictive alternative is other than the department of social and  
39 health services or the department of corrections, then the service

1 provider so designated must agree in writing to provide such  
2 treatment, monitoring, or supervision in accord with this section.  
3 Any person providing or agreeing to provide treatment, monitoring, or  
4 supervision services pursuant to this chapter may be compelled to  
5 testify and any privilege with regard to such person's testimony is  
6 deemed waived.

7 (4) (a) Prior to authorizing any release to a less restrictive  
8 alternative, the court shall impose such conditions upon the person  
9 as are necessary to ensure the safety of the community, which must  
10 include, at minimum, the condition that the person will be subject to  
11 electronic monitoring that, to the extent feasible, provides real-  
12 time tracking, programmable inclusion and exclusion zones, and the  
13 ability to provide notifications if the person tampers with the  
14 monitoring device or enters an exclusion zone. In imposing  
15 conditions, the court must impose a restriction on the proximity of  
16 the person's residence to public or private schools providing  
17 instruction to kindergarten or any grades one through 12 in  
18 accordance with RCW 72.09.340. Courts shall require a minimum  
19 distance restriction of 500 feet on the proximity of the person's  
20 residence to child care facilities, official school bus stops,  
21 academic or educational programs, and public or private schools  
22 providing instruction to kindergarten or any grades one through 12.  
23 The court shall order the department of corrections to investigate  
24 the less restrictive alternative and, within 60 days of the order to  
25 investigate, recommend any additional conditions to the court. These  
26 conditions shall be individualized to address the person's specific  
27 risk factors and criminogenic needs and may include, but are not  
28 limited to ~~((+,+))~~, the following: Specification of residence or  
29 restrictions on residence including distance restrictions,  
30 specification of contact with a reasonable number of individuals upon  
31 the person's request who are verified by the department of  
32 corrections to be appropriate social contacts, prohibition of contact  
33 with potential or past victims, prohibition of alcohol and other drug  
34 use, participation in a specific course of inpatient or outpatient  
35 treatment that may include monitoring by the use of polygraph and  
36 plethysmograph, monitoring through the use of global positioning  
37 system technology, supervision by a department of corrections  
38 community corrections officer, a requirement that the person remain  
39 within the state unless the person receives prior authorization by  
40 the court, and any other conditions that the court determines are in

1 the best interest of the person or others. A copy of the conditions  
2 of release shall be given to the person and to any designated service  
3 providers.

4 (b) To the greatest extent possible, the person, person's  
5 counsel, prosecuting agency responsible for the initial commitment,  
6 the prosecuting agency of the county where the person will be  
7 conditionally released to, treatment provider, supervising community  
8 corrections officer, and appropriate clinical staff of the special  
9 commitment center shall meet and collaborate to craft individualized,  
10 narrowly tailored, and empirically based conditions to present to the  
11 court to help facilitate the person's successful transition to the  
12 community. The prosecuting agency of the county where the person will  
13 be conditionally released to may waive its participation in the  
14 development of these conditions.

15 (5) (a) Prior to authorizing release to a less restrictive  
16 alternative proposed by the department, the court shall consider  
17 whether the person's less restrictive alternative placement is in  
18 accordance with fair share principles. To ensure equitable  
19 distribution of releases, and prevent the disproportionate grouping  
20 of persons subject to less restrictive orders in any one ((~~county~~))  
21 region within a state, or in any one jurisdiction or community within  
22 a ((~~county~~)) region, the legislature finds it is appropriate for  
23 releases to a less restrictive alternative to occur in a manner that  
24 adheres to fair share principles. The legislature recognizes that  
25 there may be reasons why the department may not recommend that a  
26 person be released to his or her county of commitment, including  
27 availability of individualized resources, the person's support needs,  
28 or when the court determines that the person's return to his or her  
29 county of commitment would be inappropriate considering any court-  
30 issued protection orders, victim safety concerns that cannot be  
31 addressed through use of global positioning system technology, the  
32 unavailability of appropriate treatment or facilities that would  
33 adequately protect the community, negative influences on the person,  
34 and the location of family or other persons or organizations offering  
35 support to the person. If the court authorizes conditional release  
36 based on the department's proposal to a county in a region within the  
37 state other than the region that includes the person's county of  
38 commitment, the court shall enter specific findings regarding its  
39 decision and identify whether the release remains in line with fair  
40 share principles.

1 (b) (i) When the department develops a less restrictive  
2 alternative placement under this section, it shall attempt to  
3 identify a placement satisfying the requirements of RCW 71.09.092  
4 that is aligned with fair share principles. The department shall  
5 document its rationale for the recommended placement.

6 (ii) If the department does not support or recommend conditional  
7 release to a less restrictive alternative due to a clinical  
8 determination, the department shall document its objection and  
9 certify that the department is developing the less restrictive  
10 alternative pursuant to a court order and not because of a clinical  
11 determination.

12 (iii) When the department develops or proposes a less restrictive  
13 alternative placement under this chapter, it shall be considered a  
14 predisposition recommendation.

15 (iv) In developing, modifying, and enforcing less restrictive  
16 alternatives, the department shall be deemed to be performing a  
17 quasi-judicial function.

18 (c) If the committed person is not conditionally released to the  
19 region within the state that includes his or her county of  
20 commitment, the department shall provide the law and justice council  
21 of the county in which the person is conditionally released with  
22 notice and a written explanation, including whether the department  
23 remains in compliance with fair share principles regarding releases  
24 under this chapter.

25 (d) For purposes of this section, the person's county of  
26 commitment means the county of the court which ordered the person's  
27 commitment.

28 (e) This subsection (5) does not apply to releases to a secure  
29 community transition facility under RCW 71.09.250.

30 (6) (a) When ordered by the court, the department must provide  
31 less restrictive alternative treatment that includes, at a minimum:

32 (i) The services identified in the person's discharge plan as  
33 outlined in RCW 71.09.080(4);

34 (ii) The assignment of a community care coordinator;

35 (iii) Regular contacts with providers of court-ordered treatment  
36 services;

37 (iv) Community escorts, if needed;

38 (v) A transition plan that addresses the person's access to  
39 continued services upon unconditional discharge;

40 (vi) Financial support for necessary housing;

1 (vii) Life skills training and disability accommodations, if  
2 needed; and

3 (viii) Assistance in pursuing benefits, education, and  
4 employment.

5 (b) At the time the department of corrections is ordered to  
6 investigate a proposed less restrictive alternative placement,  
7 subject to the availability of amounts appropriated for this specific  
8 purpose, the department shall assign a social worker to assist the  
9 person with discharge planning, pursuing benefits, and coordination  
10 of care prior to release.

11 (i) The social worker shall assist the person with completing  
12 applications for benefits prior to the person's release from total  
13 confinement.

14 (ii) To promote continuity of care and the individual's success  
15 in the community, the department social worker shall be responsible  
16 for initiating a clinical transition of care between the last  
17 treating clinician at the special commitment center and the person's  
18 designated community treatment provider. This transition between one  
19 clinical setting to another shall occur no later than 15 days before  
20 an individual's release from the special commitment center.

21 (iii) If applicable, the social worker shall assist the person  
22 with locating any needed disability accommodations in the community  
23 and with obtaining resources to help address the person's identified  
24 life skills needs prior to release from total confinement.

25 (7) Any service provider designated to provide inpatient or  
26 outpatient treatment shall monthly, or as otherwise directed by the  
27 court, submit to the court, to the department of social and health  
28 services facility from which the person was released, to the  
29 prosecuting agency, and to the supervising community corrections  
30 officer, a report stating whether the person is complying with the  
31 terms and conditions of the conditional release to a less restrictive  
32 alternative.

33 (8) Each person released to a less restrictive alternative shall  
34 have his or her case reviewed by the court that released him or her  
35 no later than one year after such release and annually thereafter  
36 until the person is unconditionally discharged. Review may occur in a  
37 shorter time or more frequently, if the court, in its discretion on  
38 its own motion, or on motion of the person, the secretary, or the  
39 prosecuting ~~((agency))~~ agencies so ~~((determines))~~ determine. The  
40 questions to be determined by the court are whether the person shall



1 continue to be conditionally released to a less restrictive  
2 alternative, and if so, whether a modification to the person's less  
3 restrictive alternative order is appropriate to ensure the  
4 conditional release remains in the best interest of the person and  
5 adequate to protect the victim and the community. The court in making  
6 its determination shall be aided by the periodic reports filed  
7 pursuant to subsection (7) of this section and the opinions of the  
8 secretary and other experts or professional persons.

9 **Sec. 8.** RCW 71.09.097 and 2021 c 236 s 11 are each amended to  
10 read as follows:

11 (1) (a) In accordance with RCW 71.09.090 and 71.09.096, the  
12 department shall have the primary responsibility for developing a  
13 less restrictive alternative placement. To ensure the department has  
14 sufficient less restrictive alternative placements to choose from  
15 that satisfy the requirements of RCW 71.09.092, subject to the  
16 availability of amounts appropriated for this specific purpose, the  
17 department shall use a request for proposal process to solicit and  
18 contract with housing and treatment providers from across the state  
19 and facilitate fair share principles among the counties. In order to  
20 increase the number of housing options for individuals qualifying for  
21 a less restrictive alternative, the department shall have oversight  
22 of the vendors and providers who contract with the state, including  
23 the authority to inspect and ensure compliance, negotiate the rates  
24 charged for services, ensure adequate living conditions of housing  
25 locations, and terminate contracts. The department shall maintain a  
26 statewide accounting of the contracted community housing and  
27 treatment providers in each county and provide a biannual report to  
28 the legislature and governor by December 1st on the availability and  
29 adequacy of less restrictive alternative placements and the  
30 department's compliance with fair share principles.

31 (b) The department may not enter into a contract with a housing  
32 provider until the following conditions have been met:

33 (i) Upon identifying a county for possible housing, the  
34 department and housing provider must contact the county legislative  
35 authority and inform them of the intent to create a facility in their  
36 jurisdiction;

37 (ii) The department must contact the local government planning  
38 agencies and consult with any federally recognized tribes and  
39 academic or educational programs in the local communities affected,

1 and coordinate with local government agencies to ensure opportunities  
2 are provided for effective citizen input and to reduce duplication of  
3 notice and meetings;

4 (iii) The department must create strategies to effectively engage  
5 the public, including a way to allow community members to easily  
6 submit written and oral comments;

7 (iv) The department must specifically solicit feedback from any  
8 federally recognized tribes and privately licensed educational  
9 organizations in the local communities located within 500 feet of the  
10 proposed location of the less restrictive alternative housing; and

11 (v) The department, in partnership with the potential housing  
12 provider, the department of corrections, county leadership, and the  
13 county sheriff's office, must plan and host a minimum of one public  
14 meeting in the local communities affected.

15 (c) The department shall also consider whether the proposed  
16 housing would be adjacent to, or immediately across the street or  
17 parking lot from, a risk potential activity or facility in existence  
18 at the time the site is listed for consideration.

19 (2) To facilitate its duties required under this section, the  
20 department shall use the following housing matrix and considerations  
21 as a guide to planning and developing less restrictive alternative  
22 placements. The following considerations may not be used as a reason  
23 to deny a less restrictive alternative placement.

24 (a) Considerations for evaluating a proposed vendor's application  
25 for less restrictive alternative housing services shall include  
26 applicable state and local zoning, health, and building codes,  
27 general housing requirements, availability of public services, and  
28 other considerations identified in accordance with RCW 71.09.315. The  
29 department shall require the housing provider to provide proof that  
30 the facility is in compliance with all local zoning, health, and  
31 building codes.

32 (i) General housing requirements include running water,  
33 electricity, bedroom and living space of adequate size, and no mold  
34 or infestations.

35 (ii) Availability of public services include availability of  
36 chaperones and whether the placement is within a reasonable distance  
37 to a grocery store, bank, public transportation options, and offices  
38 for public services and benefits.

39 (iii) Other considerations include whether the placement is  
40 consistent with fair share principles across the counties, whether

1 the placement is within reasonable distance to other current or  
2 planned components of the less restrictive alternative, whether the  
3 placement is within reasonable distance to employment opportunities,  
4 and the reliability of global positioning system technology.

5 (b) Factors for evaluating less restrictive alternative options  
6 for a specific individual include sex offender treatment  
7 considerations, criminogenic needs and risk factors, protective  
8 factors, and the specific needs of the client.

9 (i) Sex offender treatment considerations include whether the  
10 housing is within a reasonable distance from the treatment provider,  
11 whether the treatment provider is a good therapeutic match with the  
12 client, and whether the treatment provider has relevant experience  
13 and background to treat the client if the client has special needs.

14 (ii) Criminogenic needs and risk factors include consideration of  
15 the person's specific needs and risk factors in evaluating less  
16 restrictive alternative options.

17 (iii) Protective factors include whether housing is within a  
18 reasonable distance of family, friends, potential hobbies, potential  
19 employment, and educational opportunities.

20 (iv) Consideration of the client's specific needs includes  
21 assessing the availability of personal care assistance and in-home  
22 care assistance, and whether housing is within a reasonable distance  
23 of mental health, medical treatment options, and substance use  
24 disorder treatment options.

25 **Sec. 9.** RCW 71.09.097 and 2021 c 236 s 11 are each amended to  
26 read as follows:

27 (1) (a) In accordance with RCW 71.09.090, 71.09.092, and  
28 71.09.096, the department shall have the primary responsibility for  
29 developing a less restrictive alternative placement, and the  
30 exclusive authority to operate or contract with providers to operate  
31 housing options for individuals qualifying for a less restrictive  
32 alternative. To ensure the department has sufficient less restrictive  
33 alternative placements to choose from that satisfy the requirements  
34 of RCW 71.09.092, subject to the availability of amounts appropriated  
35 for this specific purpose, the department shall use a request for  
36 proposal process to solicit and contract with housing and treatment  
37 providers from across the state and facilitate fair share principles  
38 among the (~~counties~~) regions within the state. In order to increase  
39 the number of housing options for individuals qualifying for a less

1 restrictive alternative and ensure the quality and compliance of such  
2 housing, the department shall have oversight of the vendors and  
3 providers who contract with the state, including the authority to  
4 inspect and ensure compliance, (~~negotiate~~) adopt rules to establish  
5 and periodically adjust a fee schedule for the rates charged for  
6 services, ensure adequate living conditions of housing locations, and  
7 terminate contracts. The department shall maintain a statewide  
8 accounting of the contracted community housing and treatment  
9 providers in each region within the state and in each county and  
10 provide a biannual report to the legislature and governor by December  
11 1st on the availability and adequacy of less restrictive alternative  
12 placements and the department's compliance with fair share  
13 principles.

14 (b) The department may not enter into a contract with a housing  
15 provider until the following conditions have been met:

16 (i) Upon identifying a county for possible housing, the  
17 department and housing provider must contact the county legislative  
18 authority and inform them of the intent to create a facility in their  
19 jurisdiction;

20 (ii) The department must contact the local government planning  
21 agencies in the local communities affected, coordinate with local  
22 government agencies, and consult with any federally recognized tribes  
23 and academic or educational programs to ensure opportunities are  
24 provided for effective citizen input and to reduce duplication of  
25 notice and meetings;

26 (iii) The department must create strategies to effectively engage  
27 the public, including a way to allow community members to easily  
28 submit written and oral comments;

29 (iv) The department must specifically solicit feedback from any  
30 federally recognized tribes and privately licensed educational  
31 organizations in the local communities located within 500 feet of the  
32 proposed location of the less restrictive alternative housing; and

33 (v) The department, in partnership with the potential housing  
34 provider, the department of corrections, county leadership, and the  
35 county sheriff's office, must plan and host a minimum of one public  
36 meeting in the local communities affected.

37 (c) The department shall also consider whether the proposed  
38 housing would be adjacent to, or immediately across the street or  
39 parking lot from, a risk potential activity or facility in existence  
40 at the time the site is listed for consideration.

1 (2) To facilitate its duties required under this section, the  
2 department shall use the following housing matrix and considerations  
3 as a guide to planning and developing less restrictive alternative  
4 placements. The following considerations may not be used as a reason  
5 to deny a less restrictive alternative placement.

6 (a) Considerations for evaluating a proposed vendor's application  
7 for less restrictive alternative housing services shall include  
8 applicable state and local zoning, health, and building codes,  
9 general housing requirements, availability of public services, and  
10 other considerations identified in accordance with RCW 71.09.315. The  
11 department shall require the housing provider to provide proof that  
12 the facility is in compliance with all local zoning, health, and  
13 building codes.

14 (i) General housing requirements include running water,  
15 electricity, bedroom and living space of adequate size, and no mold  
16 or infestations.

17 (ii) Availability of public services include availability of  
18 chaperones and whether the placement is within a reasonable distance  
19 to a grocery store, bank, public transportation options, and offices  
20 for public services and benefits.

21 (iii) Other considerations include whether the placement is  
22 consistent with fair share principles across the (~~counties~~) regions  
23 within the state, whether the placement is within reasonable distance  
24 to other current or planned components of the less restrictive  
25 alternative, whether the placement is within reasonable distance to  
26 employment opportunities, and the reliability of global positioning  
27 system technology.

28 (b) Factors for evaluating less restrictive alternative options  
29 for a specific individual include sex offender treatment  
30 considerations, criminogenic needs and risk factors, protective  
31 factors, and the specific needs of the client.

32 (i) Sex offender treatment considerations include whether the  
33 housing is within a reasonable distance from the treatment provider,  
34 whether the treatment provider is a good therapeutic match with the  
35 client, and whether the treatment provider has relevant experience  
36 and background to treat the client if the client has special needs.

37 (ii) Criminogenic needs and risk factors include consideration of  
38 the person's specific needs and risk factors in evaluating less  
39 restrictive alternative options.

1 (iii) Protective factors include whether housing is within a  
2 reasonable distance of family, friends, potential hobbies, potential  
3 employment, and educational opportunities.

4 (iv) Consideration of the client's specific needs includes  
5 assessing the availability of personal care assistance and in-home  
6 care assistance, and whether housing is within a reasonable distance  
7 of mental health, medical treatment options, and substance use  
8 disorder treatment options.

9 **Sec. 10.** RCW 71.09.140 and 2021 c 236 s 8 are each amended to  
10 read as follows:

11 (1) (a) At the time the court orders the department of corrections  
12 to investigate the less restrictive alternative pursuant to RCW  
13 71.09.096, or at the earliest possible date, and in no event later  
14 than ((30)) 60 days before conditional release, change of address for  
15 a person on conditional release, or unconditional discharge, except  
16 in the event of escape, the department of social and health services  
17 shall send written notice of conditional release, unconditional  
18 discharge, or escape, to the following:

19 (i) The chief of police of the city, if any, in which the person  
20 will reside or in which placement will be made under a less  
21 restrictive alternative;

22 (ii) The sheriff of the county in which the person will reside or  
23 in which placement will be made under a less restrictive alternative;  
24 and

25 (iii) The sheriff of the county where the person was last  
26 convicted of a sexually violent offense, if the department does not  
27 know where the person will reside.

28 The department shall notify the state patrol of the release of  
29 all sexually violent predators and that information shall be placed  
30 in the Washington crime information center for dissemination to all  
31 law enforcement.

32 (b) A return to total confinement or to a secure community  
33 transition facility pending revocation or modification proceedings is  
34 not considered a change of address for purposes of (a) of this  
35 subsection, and an additional community notification process is not  
36 required, unless conditional release is revoked under RCW 71.09.098  
37 or the return lasts longer than 90 days.

38 (2) The same notice as required by subsection (1) of this section  
39 shall be sent to the following if such notice has been requested in

1 writing about a specific person found to be a sexually violent  
2 predator under this chapter:

3 (a) The victim or victims of any sexually violent offenses for  
4 which the person was convicted in the past or the victim's next of  
5 kin if the crime was a homicide. "Next of kin" as used in this  
6 section means a person's spouse, parents, siblings, and children;

7 (b) Any witnesses who testified against the person in his or her  
8 commitment trial under RCW 71.09.060; and

9 (c) Any person specified in writing by the prosecuting agency.

10 Information regarding victims, next of kin, or witnesses  
11 requesting the notice, information regarding any other person  
12 specified in writing by the prosecuting agency to receive the notice,  
13 and the notice are confidential and shall not be available to the  
14 committed person.

15 (3) If a person committed as a sexually violent predator under  
16 this chapter escapes from a department of social and health services  
17 facility, the department shall immediately notify, by the most  
18 reasonable and expedient means available, the chief of police of the  
19 city and the sheriff of the county in which the committed person  
20 resided immediately before his or her commitment as a sexually  
21 violent predator, or immediately before his or her incarceration for  
22 his or her most recent offense. If previously requested, the  
23 department shall also notify the witnesses and the victims of the  
24 sexually violent offenses for which the person was convicted in the  
25 past or the victim's next of kin if the crime was a homicide. If the  
26 person is recaptured, the department shall send notice to the persons  
27 designated in this subsection as soon as possible but in no event  
28 later than two working days after the department learns of such  
29 recapture.

30 (4) If the victim or victims of any sexually violent offenses for  
31 which the person was convicted in the past or the victim's next of  
32 kin, or any witness is under the age of 16, the notice required by  
33 this section shall be sent to the parents or legal guardian of the  
34 child.

35 (5) The department of social and health services shall send the  
36 notices required by this chapter to the last address provided to the  
37 department by the requesting party. The requesting party shall  
38 furnish the department with a current address.

39 (6) Nothing in this section shall impose any liability upon a  
40 chief of police of a city or sheriff of a county for failing to

1 request in writing a notice as provided in subsection (1) of this  
2 section.

3 **Sec. 11.** RCW 9.94A.717 and 2020 c 275 s 2 are each amended to  
4 read as follows:

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

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

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

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

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

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

25 (b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or  
26 9.94A.670;

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

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

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

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

35 NEW SECTION. **Sec. 12.** (1) The department of social and health  
36 services shall review its statewide accounting of the contracted  
37 community housing and treatment providers in each county and develop:



1 (a) Recommendations for revising fair share principles to target  
2 an adequate regional distribution of options for conditional release  
3 housing placements, rather than a county-by-county distribution of  
4 such options; and

5 (b) A proposed regional map of the state to reflect the revised  
6 fair share principles.

7 (2) In developing its recommendations for revising fair share  
8 principles and its proposed regional map, the department of social  
9 and health services shall consider:

10 (a) Existing and future availability of public services in each  
11 region, including availability of chaperones in each region and  
12 whether each region is able to provide an adequate number of  
13 placement options within a reasonable distance from grocery stores,  
14 banks, public transportation options, and offices for public services  
15 and benefits;

16 (b) Existing and future availability of sex offender treatment  
17 options in each region, including whether each region is able to  
18 provide an adequate number of placement options within a reasonable  
19 distance from treatment providers that have relevant experience and  
20 background to treat clients with acute needs;

21 (c) Existing and future availability of personal care assistance  
22 and in-home care assistance in each region, including whether each  
23 region is able to provide an adequate number of placement options  
24 within a reasonable distance from mental health, medical treatment,  
25 and substance use disorder treatment options;

26 (d) Community safety factors, including whether each region is  
27 able to provide an adequate number of placement options away from  
28 risk potential activities or risk potential facilities, such as  
29 schools, playgrounds, and youth camps; and

30 (e) Protective factors, including whether each region is able to  
31 provide an adequate number of placement options a reasonable distance  
32 from potential hobbies, employment, and educational opportunities.

33 (3) By December 1, 2025, the department of social and health  
34 services shall submit a report with its recommendations and proposed  
35 regional map to the governor and appropriate committees of the  
36 legislature.

37 (4) This section expires August 1, 2026.

38 NEW SECTION. **Sec. 13.** Sections 1, 4, 6, and 8 of this act  
39 expire August 1, 2026.

1        NEW SECTION.    **Sec. 14.**    Sections 2, 5, 7, and 9 of this act take  
2 effect August 1, 2026.

3        NEW SECTION.    **Sec. 15.**    If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

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