

RCW 71.09.030 Sexually violent predator petition—Filing. (1) A petition may be filed alleging that a person is a sexually violent predator and stating sufficient facts to support such allegation when it appears that: (a) A person who at any time previously has been convicted of a sexually violent offense is about to be released from total confinement; (b) a person found to have committed a sexually violent offense as a juvenile is about to be released from total confinement; (c) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released, pursuant to RCW 10.77.086(7); (d) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released, pursuant to RCW *10.77.020(3), **10.77.110 (1) or (3), or 10.77.150; or (e) a person who at any time previously has been convicted of a sexually violent offense and has since been released from total confinement and has committed a recent overt act.

(2) The petition may be filed by:

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

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

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

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

(b) The attorney general, if requested by the county prosecuting attorney identified in (a) of this subsection. If the county prosecuting attorney requests that the attorney general file and prosecute a case under this chapter, then the county shall charge the attorney general only the fees, including filing and jury fees, that would be charged and paid by the county prosecuting attorney, if the county prosecuting attorney retained the case. [2023 c 453 s 27; 2009 c 409 s 3; 2008 c 213 s 12; 1995 c 216 s 3; 1992 c 45 s 4; 1990 1st ex.s. c 12 s 3; 1990 c 3 s 1003.]

Reviser's note: *(1) RCW 10.77.020 was amended by 1998 c 297 s 30, deleting subsection (3).

** (2) RCW 10.77.110 was amended by 2024 c 137 s 1, changing subsections (1) and (3) to subsection (1).

Findings—2023 c 453: See note following RCW 10.77.060.

Application—Effective date—2009 c 409: See notes following RCW 71.09.020.

Severability—Application—1992 c 45: See notes following RCW 9.94A.840.

Effective date—1990 1st ex.s. c 12: See note following RCW 13.40.020.