
**Public Safety & Emergency Preparedness
Committee**

SB 5218

Brief Description: Controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives.

Sponsors: Senators Carrell, Hargrove, Swecker, Regala, Brandland, Hewitt, King, Stevens, Schoesler, Pridemore, Delvin, Pflug, Tom, Kilmer and Shin.

Brief Summary of Bill

- Prohibits any person civilly committed or detained as a sexually violent predator from accessing a personal computer unless access is necessary to bring about a positive response to a specific and certain phase or course of treatment.
- Prohibits any person found eligible for conditional release to a less restrictive alternative from accessing a personal computer and accessing the Internet unless access to a computer is necessary to bring about a positive response to a specific and certain phase or course of treatment.

Hearing Date: 3/18/09

Staff: Lara Zarowsky (786-7123)

Background:

Civil Commitment

Under the Community Protection Act of 1990, a sexually violent predator may be civilly committed upon the expiration of his or her criminal sentence. A sexually violent predator is a person who has been convicted of, charged with, and found not guilty by reason of insanity, or found to be incompetent to stand trial for a crime of sexual violence and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory acts of sexual violence if not confined to a secure facility. Sexually violent predators are committed to the custody of the Department of Social and Health Services (Department) and

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confined at the Special Commitment Center (SCC) for control, care, and individualized treatment. Because they are civilly committed (as opposed to criminally committed), residents of the SCC are not subject to as many restrictions as persons confined pursuant to a criminal conviction.

Less Restrictive Alternative

A person who has been civilly committed is statutorily entitled to an annual review of his or her mental condition, including consideration of whether conditional release to a less restrictive alternative (LRA) is in the best interest of the person and would adequately protect the community. The person is also entitled to consideration of release to a LRA at his or her probable cause and commitment hearings. From 1994 until 2007, the SCC operated under a federal court injunction requiring that steps be taken to ensure that constitutionally adequate mental health treatment was being provided to the residents of the SCC. One substantial area of concern for the court in issuing and maintaining the injunction was the availability of LRAs for qualified residents of the SCC. In 2001 the Legislature authorized the Department to build Secure Community Transition Facilities (SCTF) to serve as a LRA for qualified residents. There are currently two SCTFs – one located on McNeil Island, and the other located in King County. The court may order a sexually violent predator to an LRA if it finds: (1) the person will be treated by a qualified treatment provider; (2) the treatment provider has presented a specific course of treatment and has agreed to assume treatment responsibility and provide progress reports to the court; (3) housing exists that is sufficiently secure to protect the community; (4) the person is willing to comply with the treatment plan; and (5) the person is willing to comply with supervision requirements imposed by the Department of Corrections.

Computer Access

The Department restricts computer usage by residents of the SCC and SCTFs. Residents who are involved in treatment often utilize computers to complete treatment assignments. Residents are permitted to own a specific type of Department-approved personal computer that does not have wireless Internet capabilities, is not capable of reading thumbnail drives, and is capable only of reading (not writing) compact discs. Those on conditional release to a SCTF may access the Internet while outside the SCTF for limited purposes (e.g., job searches), as long as the access is approved by the resident's transition team, and such usage is monitored at all times. Most residents of the SCC and SCTFs are under court order to refrain from accessing the Internet.

Summary of Bill:

Any sexually violent predator committed to the Special Commitment Center is prohibited from accessing a personal computer unless his or her individualized treatment plan states that access to a computer is necessary to bring about a positive response to a specific and certain phase or course of treatment.

Any person found eligible for conditional release to a LRA is prohibited from accessing a personal computer and accessing the Internet unless the person's individualized treatment plan states that access to a computer is necessary to bring about a positive response to a specific and certain phase or course of treatment.

Appropriation: None.

Fiscal Note: Available.

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