

SENATE BILL REPORT

SB 5218

As Passed Senate, February 26, 2009

Title: An act relating to controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives.

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 History:

Committee Activity: Human Services & Corrections: 1/29/09, 1/30/09 [DP].
Passed Senate: 2/26/09, 47-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: Persons who are found to be "sexually violent predators" are committed to the custody of the Department of Social and Health Services (DSHS) for control, care, and individualized treatment. Most sexually violent predators are currently housed at the Special Commitment Center (SCC) on McNeil Island.

A sexually violent predator who has been civilly committed is entitled to an annual review of his or her condition. As part of this evaluation, a court may order the person to be conditionally released to a less restrictive alternative (LRA). An LRA placement is only authorized if it is in the best interests of the person and adequate safeguards can be put in place to protect the community. In 2001 the Legislature authorized the DSHS to operate a type of LRA known as a Secure Community Transition Facility (SCTF) from which sexually violent predators may seek treatment and employment in the community.

The DSHS has imposed a variety of restrictions on residents of the SCC and SCTFs with respect to computer usage. For example, the residents may only purchase one type of

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computer, which has been approved by the DSHS. The computer is not capable of reading thumbnail drives and is only capable of reading (not writing) compact discs. The computer does not have wireless Internet access or a modem, which means that the residents are not capable of accessing the Internet while in the SCC or SCTF.

A resident of an SCTF may access the Internet while outside of the SCTF for limited purposes (e.g., job searches), as long as the access is approved by the resident's transition team. A resident who accesses the Internet while outside of an SCTF will have Internet activities monitored at all times.

In April 2007 a resident of the SCC was found to be in possession of contraband pornography in violation of SCC rules and the resident's sex offender treatment plan.

Summary of Bill: A resident of the SCC or a sex offender conditionally released to an SCTF is prohibited from accessing a personal computer and accessing the Internet unless the resident's treatment plan states that access to a computer is necessary to the success of treatment.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a significant problem with the SCC. Residents have nearly continuous access to computers and are able to acquire pornographic images. Although there are mechanisms in place, DSHS is unable to prevent the residents from getting contraband into the facility. This bill would allow computer access to be limited to those individuals that are in treatment and are subject to polygraphs and searches pursuant to their treatment course.

Persons Testifying: PRO: Henry Richards, Special Commitment Center, DSHS.