

# SENATE BILL REPORT

## SB 5611

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As of February 13, 2009

**Title:** An act relating to maintenance and construction activities in support of facilities used to house sexually violent predators.

**Brief Description:** Concerning facilities to house sexually violent predators.

**Sponsors:** Senators Hargrove and Stevens; by request of Department of Social and Health Services.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/12/09.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**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. If the court has approved release of a sexually violent predator to a less restrictive alternative, the person may be released to a Secure Community Transition Facility (SCTF). There are currently two SCTFs: one is on McNeil Island and the other is in King County.

In 2001 there was substantial concern by both counties and the state regarding the siting of SCTFs and the potential liability of having an SCTF in one's jurisdiction. In response, a comprehensive siting bill for the housing of sexually violent predators was adopted that provided for liability protection, special siting procedures, and limitations for the size and location of SCTFs. For the purposes of siting, constructing, and operating those facilities, the law specifically superseded and preempted local plans, development regulations, permitting requirements, inspection requirements, and all other laws. All other laws was defined to include the State Environmental Policy Act (SEPA), the Shorelines Act, the Hydraulics Code, and all other state laws regulating the protection and use of the water, land, and air.

The preemption of SEPA, the Shorelines Act, the Hydraulics code, and other state laws regarding the protection of water, land, and air expire June 30, 2017.

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The Governor's 2009-2011 budget includes funding for an underground utility project and design of a 40-bed housing addition for the SCC to be completed in 2011-2013. A second 40-bed housing project is proposed for construction in 2015-2017. The facility currently has a capacity of 228 beds for men and 4 beds for women. Under current law, the SCC is limited to a total of 400 beds.

**Summary of Bill:** The sunset date on provisions preempting state law and local regulations is extended to June 30, 2017. Emergency language in those preemption provisions is removed and replaced with language indicating that DSHS has a need to site and construct facilities to house sexually violent predators.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: This bill is an insurance policy for continued construction projects for the SCC and SCTFs. If DSHS can't move forward with the projects, you will see increased costs due to delays. There are currently no plans for expansion of SCTFs. Currently, population of the SCC is 279 with a capacity of 299. They are currently preparing to accommodate 38 more beds in temporary quarters. DSHS plans three major projects in the next three years including a utility project and two proposed expansions of the SCC of 40 beds each. It is believed that the expansion will serve the SCC through 2015 when it is anticipated the population of the facility will start to decrease.

**Persons Testifying:** PRO: Chris Olsen, Robert Hubenthal, DSHS.