

HOUSE BILL REPORT

SSB 6207

As Reported By House Committee On: Criminal Justice & Corrections

Title: An act relating to rule-making authority for the special commitment center.

Brief Description: Authorizing the secretary of the department of social and health services to adopt rules to carry out the purposes of the sexually violent predator law.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Costa, Rasmussen, Winsley and Franklin; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/18/00, 2/22/00 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Grants rule-making authority to the secretary of the Department of Social and Health Services (DSHS) with respect to oversight and operation of the sexually violent predator program.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Jean Ann Quinn (786-7310).

Background:

Under chapter 71.09 RCW, a sexually violent predator may be civilly committed upon expiration of his or her criminal sentence. A sexually violent predator is a person who has been convicted of (or charged with and found not guilty by reason of

insanity of 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 DSHS for control, care, and treatment until the person's mental disorder has so changed that they are safe either to be released or transferred to a less restrictive alternative. Sexually violent predators are currently housed at the Special Commitment Center on the grounds of the McNeil Island Corrections Center.

The secretary of the DSHS has certain obligations under chapter 71.09 RCW and is authorized to promulgate rules regarding specific aspects of the sexually violent predator system, such as rules establishing the professional qualifications necessary for persons conducting evaluations of whether an offender is a sexually violent predator and rules regarding escorted leave. The secretary may not adopt rules without specific statutory authority (RCW 43.20A.075).

Summary of Amended Bill:

The secretary of DSHS is specifically authorized to adopt rules for the oversight and operation of the program for the civil commitment of sexually violent predators. The rules must include provisions for an annual inspection of the center and requirements for treatment plans and the retention of records.

Amended Bill Compared to Substitute Bill: The substitute bill did not limit the secretary's rule-making authority to program oversight and operation, and did not include the requirement that the rules contain provisions related to treatment plans, record retention, and annual inspections of the center.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: The language meets with the purpose for which the bill was requested. Specific and narrow rule-making is necessary to carry out the purposes of the statute.

Testimony Against: None.

Testified: (In support) Mark Seling, Special Commitment Center.