
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2424.1/01

ATTY/TYPIST: KT:mos

BRIEF DESCRIPTION:

3 **ESSB 5845** - H COMM AMD

4 By Committee on Criminal Justice & Corrections

5

6 Strike everything after the enacting clause and insert the
7 following:

8 "NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the
9 individualized treatment required for constitutional civil commitment
10 includes the realistic possibility of release to a less restrictive
11 alternative rather than total confinement in appropriate cases. The
12 legislature finds that most persons civilly committed under chapter
13 71.09 RCW who become eligible for release to a less restrictive
14 alternative do not have appropriate housing and that the lack of
15 housing may unduly restrict the person's ability to move to a less
16 restrictive alternative placement. The legislature also finds that
17 these facilities are essential public facilities, are subject to public
18 protest upon siting, and that some cities and counties have imposed
19 moratoriums on zoning and permitting processes. The legislature
20 further finds that this reaction hampers its ability and the ability of
21 the department of social and health services to comply with
22 constitutional and statutory requirements and with court orders to
23 create housing for less restrictive alternative placements. The
24 legislature, therefore, intends to provide statewide guidance for the
25 siting of less restrictive alternative housing for persons placed on
26 less restrictive alternative placements under chapter 71.09 RCW.

27 (2) It is the intent of the legislature to:

28 (a) Enhance public safety and maximize the potential for successful
29 treatment of sexually violent predators through the tightly managed use
30 of less restrictive alternatives in community-based secure community
31 transition facilities;

32 (b) Maximize the safety of communities in which secure community
33 transition facilities are located and ensure public input into secure
34 community transition facilities by enabling community participation in
35 decisions involving these essential public facilities;

36 (c) Comply with federal court orders and require the siting of less
37 restrictive alternative housing facilities and to preclude the

1 possibility that the department of social and health services would be
2 unable to site a facility due to local moratoriums and requirements;

3 (d) Require the department to work with local jurisdictions to
4 address specific local concerns and develop zoning requirements and
5 development regulations that balance the need for siting with public
6 safety; and

7 (e) Improve public safety by strengthening the safeguards in
8 placement, oversight, and monitoring of the persons released to a less
9 restrictive alternative in a secure community transition facility, and
10 by establishing minimum standards for the siting and operation of
11 secure community transition facilities.

12 (3) The legislature finds that community participation in siting
13 and oversight is vital to the success of secure community transition
14 facilities for less restrictive alternatives.

15 **Sec. 2.** RCW 71.09.020 and 1995 c 216 s 1 are each amended to read
16 as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

19 ~~(1) ("Sexually violent predator" means any person who has been
20 convicted of or charged with a crime of sexual violence and who suffers
21 from a mental abnormality or personality disorder which makes the
22 person likely to engage in predatory acts of sexual violence if not
23 confined in a secure facility.~~

24 ~~(2) "Mental abnormality" means a congenital or acquired condition
25 affecting the emotional or volitional capacity which predisposes the
26 person to the commission of criminal sexual acts in a degree
27 constituting such person a menace to the health and safety of others.)~~

28 "Department" means the department of social and health services.

29 (2) "Less restrictive alternative" means court-ordered treatment in
30 a setting less restrictive than total confinement.

31 (3) "Likely to engage in predatory acts of sexual violence" means
32 that the person more probably than not will engage in such acts. Such
33 likelihood must be evidenced by a recent overt act if the person is not
34 totally confined at the time the petition is filed under RCW 71.09.030.

35 (4) "Mental abnormality" means a congenital or acquired condition
36 affecting the emotional or volitional capacity which predisposes the
37 person to the commission of criminal sexual acts in a degree
38 constituting such person a menace to the health and safety of others.

1 (5) "Predatory" means acts directed towards strangers or
2 individuals with whom a relationship has been established or promoted
3 for the primary purpose of victimization.

4 (~~(5)~~) (6) "Recent overt act" means any act that has either caused
5 harm of a sexually violent nature or creates a reasonable apprehension
6 of such harm.

7 (~~(6)~~) (7) "Risk potential activity" or "risk potential facility"
8 means an activity or facility that provides a higher incidence of risk
9 to the public from persons conditionally released from the special
10 commitment center. Risk potential activities and facilities include:
11 Public and private schools, school bus stops, licensed day care and
12 licensed preschool facilities, public parks, publicly dedicated trails,
13 sports fields, playgrounds, recreational and community centers,
14 churches, synagogues, temples, mosques, and public libraries.

15 (8) "Secretary" means the secretary of social and health services
16 or the secretary's designee.

17 (9) "Secure facility" means a residential facility for persons
18 civilly confined under the provisions of this chapter. A secure
19 facility is a facility that provides supervision and sex offender
20 treatment services in a total confinement setting. Secure facilities
21 include the special commitment center and any similar facility for
22 males or females designated as a secure facility by the secretary.

23 (10) "Secure community transition facility" means a residential
24 facility for persons civilly committed and conditionally released to a
25 less restrictive alternative under this chapter. A secure community
26 transition facility has supervision, security, and either provides or
27 ensures the provision of sex offender treatment services. Secure
28 community transition facilities include but are not limited to the
29 facility established on McNeil Island pursuant to section 3 of this
30 act, and any community-based housing established under this chapter and
31 operated by the secretary or under contract with the secretary.

32 (11) "Sexually violent offense" means an act committed on, before,
33 or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as
34 rape in the first degree, rape in the second degree by forcible
35 compulsion, rape of a child in the first or second degree, statutory
36 rape in the first or second degree, indecent liberties by forcible
37 compulsion, indecent liberties against a child under age fourteen,
38 incest against a child under age fourteen, or child molestation in the
39 first or second degree; (b) a felony offense in effect at any time

1 prior to July 1, 1990, that is comparable to a sexually violent offense
2 as defined in (a) of this subsection, or any federal or out-of-state
3 conviction for a felony offense that under the laws of this state would
4 be a sexually violent offense as defined in this subsection; (c) an act
5 of murder in the first or second degree, assault in the first or second
6 degree, assault of a child in the first or second degree, kidnapping in
7 the first or second degree, burglary in the first degree, residential
8 burglary, or unlawful imprisonment, which act, either at the time of
9 sentencing for the offense or subsequently during civil commitment
10 proceedings pursuant to chapter 71.09 RCW, has been determined beyond
11 a reasonable doubt to have been sexually motivated, as that term is
12 defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28
13 RCW, that is an attempt, criminal solicitation, or criminal conspiracy
14 to commit one of the felonies designated in (a), (b), or (c) of this
15 subsection.

16 ~~((7) "Less restrictive alternative" means court-ordered treatment
17 in a setting less restrictive than total confinement.~~

18 ~~(8) "Secretary" means the secretary of social and health services
19 or his or her designee.))~~

20 (12) "Sexually violent predator" means any person who has been
21 convicted of or charged with a crime of sexual violence and who suffers
22 from a mental abnormality or personality disorder which makes the
23 person likely to engage in predatory acts of sexual violence if not
24 confined in a secure facility.

25 NEW SECTION. Sec. 3. A new section is added to chapter 71.09 RCW
26 to read as follows:

27 (1)(a) Notwithstanding any other provision of this act, the
28 secretary is authorized to site and operate a secure community
29 transition facility on McNeil Island.

30 (b) Notwithstanding RCW 36.70A.103 or any other law, until December
31 31, 2003, to the extent siting a secure community transition facility
32 on McNeil Island is inconsistent with local comprehensive plans and/or
33 development regulations, this statute preempts and supersedes those
34 local plans and regulations.

35 (c) Nothing in this section limits the state's authority to site an
36 essential public facility under RCW 36.70A.200 in conformance with
37 local comprehensive plans and development regulations.

1 (2) Upon enactment into law of this act, the state shall
2 immediately enter into negotiations for a mitigation agreement with the
3 county in which the secure community treatment facility established
4 pursuant to this section is located, and with each city in that county
5 that is located within a ten-mile radius of the facility, that will
6 provide state funding, as appropriated for this purpose, in an amount
7 adequate to mitigate anticipated or realized increased costs in law
8 enforcement resulting from any increased risks to public safety brought
9 about by the presence of sexually violent predators in those
10 communities due to the siting of the facility.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 71.09 RCW
12 to read as follows:

13 On or before December 1, 2002, the department shall submit a report
14 to the appropriate committees of the legislature regarding policies for
15 the subsequent placement of sexually violent predators on court-ordered
16 conditional release residing in the secure community transition
17 facility established pursuant to section 3 of this act. The report
18 shall address the following:

19 (1) The anticipated number of persons who may be eligible for
20 conditional release to a setting less restrictive than the facility
21 established pursuant to section 3 of this act during the 2003-2005 and
22 2005-2007 biennia;

23 (2) The anticipated need, if any, for secure community transition
24 facilities smaller than the facility established pursuant to section 3
25 of this act;

26 (3) Policies that will be implemented to ensure that placement of
27 persons eligible in the future for conditional release to a setting
28 less restrictive than the facility established pursuant to section 3 of
29 this act will be equitably distributed among the counties, and within
30 each county, among jurisdictions in the county. These persons shall
31 not be placed in the county where the facility established pursuant to
32 section 3 of this act is located unless the person, or his or her
33 family members, had an established long-term residence in that county
34 at the time the person was civilly committed.

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.09 RCW
36 to read as follows:

1 (1) The secretary shall adopt rules that balance the average
2 response time of emergency services to the general area of a proposed
3 secure community transition facility, except with respect to the secure
4 community transition facility established pursuant to section 3 of this
5 act, against the proximity of the proposed site to risk potential
6 activities and facilities in existence at the time the site is listed
7 for consideration.

8 (2) In balancing the competing criteria of proximity and response
9 time the rule shall endeavor to achieve an average law enforcement
10 response time not greater than five minutes and in no case shall the
11 rule permit location of a facility adjacent to, immediately across a
12 street or parking lot from, or within the line of sight of a risk
13 potential activity or facility in existence at the time a site is
14 listed for consideration. "Within the line of sight" means that it is
15 possible to reasonably visually distinguish and recognize individuals.

16 (3) The rule shall require that great weight be given to sites that
17 are the farthest removed from any risk potential activity.

18 (4) The rule shall specify how distance from the location is
19 measured and any variations in the measurement based on the size of the
20 property within which a proposed facility is to be located.

21 (5) The rule shall establish a method to analyze and compare the
22 criteria for each site in terms of public safety and security, site
23 characteristics, and program components. In making a decision
24 regarding a site following the analysis and comparison, the secretary
25 shall give priority to public safety and security considerations. The
26 analysis and comparison of the criteria are to be documented and made
27 available at the public hearings prescribed in section 9 of this act.

28 NEW SECTION. **Sec. 6.** By December 1, 2001, the secretary of the
29 department of social and health services shall determine and report to
30 the legislature whether there is a significant group of potential
31 locations that are outside of a five-minute law enforcement response
32 time zone that are more than two miles from any risk potential
33 activities and whether, in the secretary's judgment, the legislature
34 should require the rule to be revised to permit consideration of these
35 properties.

36 NEW SECTION. **Sec. 7.** A new section is added to chapter 71.09 RCW
37 to read as follows:

1 The secretary shall establish criteria for the siting of secure
2 community transition facilities, other than the secure community
3 transition facility established pursuant to section 3 of this act,
4 which shall include at least the following minimum requirements:

5 (1) No additional secure community transition facility may be sited
6 in a county where the special commitment center and the secure
7 community transition facility established pursuant to section 3 of this
8 act are located.

9 (2) Any real property listed for consideration for the location of
10 or use as a secure community transition facility must meet all of the
11 following criteria:

12 (a) The proximity and response time criteria established under
13 section 5 of this act;

14 (b) The site or building is available for lease for the anticipated
15 use period or for purchase;

16 (c) Security monitoring services and appropriate back-up systems
17 are available and reliable;

18 (d) Appropriate mental health and sex offender treatment providers
19 must be available within a reasonable commute; and

20 (e) Appropriate permitting for a secure community transition
21 facility must be possible under the zoning code of the local
22 jurisdiction.

23 (3) For sites which meet the criteria of subsection (2) of this
24 section, the department shall analyze and compare the criteria in
25 subsections (4) through (6) of this section using the method
26 established in section 5 of this act.

27 (4) Public safety and security criteria shall include at least the
28 following:

29 (a) Whether limited visibility between the facility and adjacent
30 properties can be achieved prior to placement of any person;

31 (b) The distance from, and number of, risk potential activities and
32 facilities, as measured using the rules adopted under section 5 of this
33 act;

34 (c) The existence of or ability to establish barriers between the
35 site and the risk potential facilities and activities;

36 (d) Suitability of the buildings to be used for the secure
37 community transition facility with regard to existing or feasibly
38 modified features; and

1 (e) The availability of electronic monitoring that allows a
2 resident's location to be determined with specificity.

3 (5) Site characteristics criteria shall include at least the
4 following:

5 (a) Reasonableness of rental, lease, or sale terms including length
6 and renewability of a lease or rental agreement;

7 (b) Traffic and access patterns associated with the real property;

8 (c) Feasibility of complying with zoning requirements within the
9 necessary time frame; and

10 (d) A contractor or contractors are available to install, monitor,
11 and repair the necessary security and alarm systems.

12 (6) Program characteristics criteria shall include at least the
13 following:

14 (a) Reasonable proximity to available medical, mental health, sex
15 offender, and chemical dependency treatment providers and facilities;

16 (b) Suitability of the location for programming, staffing, and
17 support considerations;

18 (c) Proximity to employment, educational, vocational, and other
19 treatment plan components; and

20 (d) In facilities designed to house five or fewer residents, a
21 minimum staffing ratio of one staff per resident during normal waking
22 hours and two awake staff during normal sleeping hours. In no case
23 shall all staff on a shift be persons classified as entry or trainee
24 level staff.

25 (7) Unless otherwise ordered by the court, at least one staff
26 member, or other court-authorized and department-approved person must
27 escort each resident when the resident leaves the site for
28 appointments, employment, or other approved activities. Escorting
29 persons must supervise the resident closely and maintain close
30 proximity to the resident.

31 (8) For purposes of this section "available" or "availability" of
32 qualified treatment providers includes provider qualifications and
33 willingness to provide services, average commute time, and cost of
34 services.

35 NEW SECTION. **Sec. 8.** A new section is added to chapter 71.09 RCW
36 to read as follows:

1 Security systems for secure community transition facilities
2 designed to house five or fewer residents shall meet the following
3 minimum qualifications:

4 (1)(a) The security panel must be a commercial grade panel with
5 tamper-proof switches and a key-lock to prevent unauthorized access.

6 (b) There must be an emergency electrical supply system which shall
7 include a battery back-up system and a generator.

8 (2) The system must include personal panic devices for all staff.

9 (3) The security system must be capable of being monitored and
10 signaled either by telephone through either a land or cellular
11 telephone system or by private radio network in the event of a total
12 dial-tone failure or through equivalent technologies.

13 (4) The department shall issue photo-identification badges to all
14 staff which must be worn at all times.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 71.09 RCW
16 to read as follows:

17 (1) Whenever the department operates, or the secretary enters into
18 a contract to operate, a secure community transition facility, the
19 secure community transition facility may be operated only after the
20 public notification and opportunities for review and comment as
21 required by this section.

22 (2) The secretary shall establish a process for early and
23 continuous public participation in establishing or relocating secure
24 community transition facilities. Except as provided in subsection (3)
25 of this section, the process shall include, at a minimum, public
26 meetings in the local communities affected, as well as opportunities
27 for written and oral comments, in the following manner:

28 (a) If there are more than three sites initially selected as
29 potential locations and the selection process by the secretary or a
30 service provider reduces the number of possible sites for a secure
31 community transition facility to no fewer than three, the secretary or
32 the chief operating officer of the service provider shall notify the
33 public of the possible siting and hold at least two public hearings in
34 each community where a secure community transition facility may be
35 sited.

36 (b) When the secretary or service provider has determined the
37 secure community transition facility's location, the secretary or the
38 chief operating officer of the service provider shall hold at least one

1 additional public hearing in the community where the secure community
2 transition facility will be sited.

3 (c) When the secretary has entered negotiations with a service
4 provider and only one site is under consideration, then at least two
5 public hearings shall be held.

6 (d) To provide adequate notice of, and opportunity for interested
7 persons to comment on, a proposed location, the secretary or the chief
8 operating officer of the service provider shall provide at least
9 fourteen days' advance notice of the meeting to all newspapers of
10 general circulation in the community, all radio and television stations
11 generally available to persons in the community, any school district in
12 which the secure community transition facility would be sited or whose
13 boundary is within two miles of a proposed secure community transition
14 facility, any library district in which the secure community transition
15 facility would be sited, local business or fraternal organizations that
16 request notification from the secretary or agency, and any person or
17 property owner within a one-half mile radius of the proposed secure
18 community transition facility. Before initiating this process, the
19 department of social and health services shall contact local government
20 planning agencies in the communities containing the proposed secure
21 community transition facility. The department of social and health
22 services shall coordinate with local government agencies to ensure that
23 opportunities are provided for effective citizen input and to reduce
24 the duplication of notice and meetings.

25 (3) The department shall, prior to operating the secure community
26 transition facility established pursuant to section 3 of this act, hold
27 at least three public hearings in the affected communities within the
28 county where the facility is located. The purpose of the public
29 hearings is to seek input from county and city officials, local law
30 enforcement officials, and the public regarding operations and security
31 measures needed to adequately protect the community from any increased
32 risk to public safety brought about by the presence of sexually violent
33 predators in these communities due to the siting of the facility.

34 (4) Except as provided in subsection (3) of this section, this
35 section applies only to secure community transition facilities sited
36 after the effective date of this act.

37 NEW SECTION. **Sec. 10.** A new section is added to chapter 71.09 RCW
38 to read as follows:

1 (1) The secretary shall develop a process with local governments
2 that allows each community in which a secure community transition
3 facility is located to establish operational advisory boards for the
4 secure community transition facilities. The department of social and
5 health services may conduct community awareness activities to publicize
6 this opportunity. The operational advisory boards developed under this
7 section shall be implemented following the decision to locate a secure
8 community transition facility in a particular community.

9 (2) The operational advisory boards may review and make
10 recommendations regarding the security and operations of the secure
11 community transition facility and conditions or modifications necessary
12 with relation to any person who the secretary proposes to place in the
13 secure community transition facility.

14 (3) The operational advisory boards, their members, and any agency
15 represented by a member shall not be liable in any cause of action as
16 a result of its recommendations unless the advisory board acts with
17 gross negligence or bad faith in making a recommendation.

18 (4) Members of a board shall be reimbursed for travel expenses as
19 provided in RCW 43.03.050 and 43.03.060.

20 NEW SECTION. **Sec. 11.** A new section is added to chapter 71.09 RCW
21 to read as follows:

22 (1) The secretary shall adopt a violation reporting policy for
23 persons conditionally released to less restrictive alternative
24 placements in secure community transition facilities. The policy shall
25 require written documentation by the department of social and health
26 services and service providers of all violations of conditions set by
27 the department of social and health services, the department of
28 corrections, or the court and establish criteria for returning a
29 violator to the special commitment center or the less restrictive
30 alternative treatment facility. Any conditionally released person who
31 commits a serious violation of conditions shall be returned to the
32 special commitment center, unless arrested by a law enforcement
33 officer, and the court shall be notified immediately and the court
34 shall initiate proceedings under RCW 71.09.098 to revoke or modify the
35 less restrictive alternative placement unless the department makes a
36 good cause showing why proceedings should not be initiated. Nothing in
37 this section limits the authority of the department to return a person
38 to the special commitment center based on a violation that is not a

1 serious violation as defined in this section. For the purposes of this
2 section, "serious violation" includes but is not limited to:

- 3 (a) The commission of any criminal offense;
- 4 (b) Any unlawful use or possession of a controlled substance; and
- 5 (c) Any violation of conditions targeted to address the person's
6 documented pattern of offense that increases the risk to public safety.

7 When a person is released to a less restrictive alternative in a
8 secure community transition facility under this chapter and is under
9 the supervision of the department of corrections, notice of any
10 violation of the person's conditions of release must also be made to
11 the department of corrections.

12 (2) Whenever the secretary contracts with a service provider to
13 operate a secure community transition facility, the contract shall
14 include a requirement that the service provider must report to the
15 department of social and health services any known violation of
16 conditions committed by any resident of the secure community transition
17 facility.

18 (3) The secretary shall document in writing all violations,
19 penalties, actions by the department of social and health services to
20 remove persons from a secure community transition facility, and
21 contract terminations. The secretary shall give great weight to a
22 service provider's record of violations, penalties, actions by the
23 department of social and health services or the department of
24 corrections to remove persons from a secure community transition
25 facility, and contract terminations in determining to execute, renew,
26 or renegotiate a contract with a service provider.

27 NEW SECTION. **Sec. 12.** A new section is added to chapter 71.09 RCW
28 to read as follows:

29 The secretary shall adopt rules that contain a schedule of monetary
30 penalties for contractors operating secure community transition
31 facilities, not to exceed the total compensation set forth in the
32 contract, and include provisions for termination of all contracts with
33 a service provider that has repeated or serious violations of section
34 11 of this act.

35 NEW SECTION. **Sec. 13.** A new section is added to chapter 36.70A
36 RCW to read as follows:

1 (1) On or before September 1, 2002, the legislative authority of
2 each county in the state, except the county where the special
3 commitment center and the secure community transition facility
4 established pursuant to section 3 of this act are located, shall adopt
5 a countywide planning policy to establish the process for siting and to
6 provide for an equitable distribution of secure community transition
7 facilities as defined in RCW 71.09.020 within the county and the cities
8 located in whole or in part within the county. The countywide planning
9 policy required by this section shall be adopted in cooperation with
10 the cities located in whole or in part within the county. Counties
11 planning under the growth management act may integrate the planning
12 policy required in the section with their growth management act
13 planning process.

14 (2) The department of social and health services shall be notified
15 by each county of its intent to begin the countywide planning policy
16 process required by this section and the department shall be invited to
17 participate in this process.

18 (3) The countywide planning policy required by this section shall,
19 at a minimum, address the following:

20 (a) The location of existing secure community transition
21 facilities;

22 (b) The social, economic, and other impacts of the existing secure
23 community transition facilities on the communities in which they are
24 located and the incremental impacts of siting additional secure
25 community transition facilities in these communities;

26 (c) A proposed allocation for the siting of future secure community
27 transition facilities among the county and the cities located in whole
28 or in part within the county; and

29 (d) Coordination of development regulations, including but not
30 limited to zoning regulations and design standards, to ensure that the
31 proposed allocation of future secure community transition facilities
32 can be achieved.

33 (4) The countywide planning policy required by this section shall:

34 (a) Be consistent with the siting criteria established pursuant to
35 sections 5 and 7 through 9 of this act; and

36 (b) Require any local conditional use permit or other development
37 application process not to exceed sixty days in length and provide for
38 an appeal process.

1 (5) Within six months of the date the countywide planning policy
2 required by subsection (1) of this section is adopted, the county and
3 each city within the county shall adopt development regulations
4 implementing the policy adopted under this section through appropriate
5 revisions to their comprehensive plan and development regulations.

6 NEW SECTION. **Sec. 14.** A new section is added to chapter 36.70 RCW
7 to read as follows:

8 Counties planning under this chapter must adopt a countywide
9 planning policy for the siting of secure community transition
10 facilities that complies with the timelines and requirements of section
11 13 of this act.

12 **Sec. 15.** RCW 36.70A.200 and 1998 c 171 s 3 are each amended to
13 read as follows:

14 (1) The comprehensive plan of each county and city that is planning
15 under this chapter shall include a process for identifying and siting
16 essential public facilities. Essential public facilities include those
17 facilities that are typically difficult to site, such as airports,
18 state education facilities and state or regional transportation
19 facilities as defined in RCW 47.06.140, state and local correctional
20 facilities, solid waste handling facilities, and in-patient facilities
21 including substance abuse facilities, mental health facilities, ((and))
22 group homes, and secure community transition facilities as defined in
23 RCW 71.09.020.

24 (2) The office of financial management shall maintain a list of
25 those essential state public facilities that are required or likely to
26 be built within the next six years. The office of financial management
27 may at any time add facilities to the list. No local comprehensive
28 plan or development regulation may preclude the siting of essential
29 public facilities.

30 **Sec. 16.** RCW 36.70A.103 and 1991 sp.s. c 32 s 4 are each amended
31 to read as follows:

32 State agencies shall comply with the local comprehensive plans and
33 development regulations and amendments thereto adopted pursuant to this
34 chapter except as otherwise provided in section 3 of this act.

1 NEW SECTION. **Sec. 17.** A new section is added to chapter 71.09 RCW
2 to read as follows:

3 Except as provided in section 4 of this act, nothing in this act
4 shall operate to restrict a court's authority to make less restrictive
5 alternative placements to a committed person's individual residence.
6 A court-ordered less restrictive alternative placement to a committed
7 person's individual residence is not a less restrictive placement to a
8 secure community transition facility.

9 NEW SECTION. **Sec. 18.** A new section is added to chapter 71.09 RCW
10 to read as follows:

11 Not more than ten correctional employees, as selected by the
12 secretary, who are members of the emergency response team for the
13 McNeil Island correctional facility, shall have the powers and duties
14 of a peace officer while acting in the apprehension of residents who
15 have escaped from the special commitment center or the secure community
16 transition facility established pursuant to section 3 of this act.

17 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately."

21 Correct the title.

--- END ---