
HOUSE BILL 2223

State of Washington

57th Legislature

2001 Regular Session

By Representatives Ogden and Ballasiotes; by request of Governor Locke and Attorney General

Read first time . Referred to Committee on .

1 AN ACT Relating to siting and operation of a less restrictive
2 alternative treatment facility on McNeil Island; amending RCW
3 36.70A.103; adding a new section to chapter 71.09 RCW; creating a new
4 section; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature, in an effort to protect the
7 safety of Washington state residents, has authorized the civil
8 commitment of sexually violent predators and funded a program for the
9 treatment of such persons at the special commitment center on McNeil
10 Island. As a result of the treatment funded by the legislature, some
11 of the persons judged to be sexually violent predators have progressed
12 to the point where they have secured court orders permitting them to be
13 housed in a setting less restrictive than the present special
14 commitment center at McNeil Island, subject to appropriate strict
15 supervision.

16 Housing in a less restrictive setting on McNeil Island is a step in
17 the treatment of some of the persons committed to the special
18 commitment center, and without this step for those judged by court

1 order to be eligible, the special commitment center may fail to fulfill
2 its statutory and constitutional purpose.

3 Therefore, the legislature intends by this act to ensure the prompt
4 siting and timely operation of a less restrictive alternative treatment
5 facility on McNeil Island in furtherance of the treatment and other
6 purposes of chapter 71.09 RCW.

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

9 (1) The secretary is authorized to site and operate a less
10 restrictive alternative treatment facility for sexually violent
11 predators on court-ordered conditional release from the special
12 commitment center as provided under RCW 71.09.090, on McNeil Island.

13 (2) Notwithstanding RCW 36.70A.103 or any other law, until December
14 31, 2003, to the extent siting a less restrictive alternative treatment
15 facility on McNeil Island is inconsistent with local comprehensive
16 plans and/or development regulations, this statute preempts and
17 supersedes those local plans and regulations.

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

21 **Sec. 3.** RCW 36.70A.103 and 1991 sp.s. c 32 s 4 are each amended to
22 read as follows:

23 State agencies shall comply with the local comprehensive plans and
24 development regulations and amendments thereto adopted pursuant to this
25 chapter except as otherwise provided in section 2 of this act.

26 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 immediately.

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