

# HOUSE BILL REPORT

## HB 2756

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### As Reported by House Committee On:

Human Services

Appropriations

**Title:** An act relating to logging the telephone calls of residents of the special commitment center.

**Brief Description:** Logging the telephone calls of residents of the special commitment center.

**Sponsors:** Representatives Kelley, Green, Wallace, Rodne, McCune, Goodman, VanDeWege, Lantz, Seaquist, Hurst and Simpson.

### Brief History:

#### Committee Activity:

Human Services: 1/29/08, 1/31/08 [DP];

Appropriations: 2/8/08, 2/11/08 [DPS].

#### Brief Summary of Substitute Bill

- Requires the Department of Social and Health Services to maintain a log of telephone calls made by residents of the Special Commitment Center.

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### HOUSE COMMITTEE ON HUMAN SERVICES

**Majority Report:** Do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

**Staff:** Jim Morishima (786-7191).

#### Background:

The Community Protection Act of 1990 allows a sexually violent predator to be civilly committed. A sexually violent predator is defined as person who:

- has been convicted of, or charged with, a crime of sexual violence; and
- 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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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. Because they are civilly committed (as opposed to criminally committed), residents of the SCC are not subject to as many restrictions as persons confined pursuant to a criminal conviction. For example, residents of the SCC generally have free access to the telephone during the day. The DSHS currently does not log the telephone calls of residents of the SCC.

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**Summary of Bill:**

The DSHS is required to maintain a log of phone calls made by residents of the SCC. The log must indicate the date and time when each phone call was made, the length of the call, the name of the resident who made the call, and the number called.

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**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 2008.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is a very simple bill. There has been some concern that residents of the SCC are making phone calls that they should not. Other states have this type of provision in place and it can be implemented simply. The requirements of this bill could be bid out to a contractor who could do this at low-cost to the state. The bill is sensitive to the fact that this is civil commitment; this is only a log, not monitoring.

(Opposed) None.

**Persons Testifying:** Representative Kelley, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.

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**HOUSE COMMITTEE ON APPROPRIATIONS**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Chandler, Cody, Conway, Darneille, Ericks, Fromhold, Grant, Green, Haigh, Hinkle, Hunt, Kagi, Kenney, Kessler, Kretz, Linville, McDonald, McIntire, Morrell, Pettigrew, Priest, Ross, Schmick, Schual-Berke, Seaquist, Sullivan and Walsh.

**Staff:** Alex MacBain (786-7288).

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Human Services:**

The Appropriations Committee recommended the addition of language stating legislative intent, allowing the Department of Social and Health Services to contract with a private entity to maintain the telephone log, and exempting the telephone log from public inspection and copying. A null and void clause was added, making the bill null and void unless funded in the budget.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:**

None.

**Persons Testifying:** None.

**Persons Signed In To Testify But Not Testifying:** None.