

# HOUSE BILL REPORT

## ESB 6870

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**As Passed House:**  
April 12, 2010

**Title:** An act relating to containing costs for services to sexually violent predators.

**Brief Description:** Containing costs for services to sexually violent predators.

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

**Brief History:**

**Committee Activity:**

Ways & Means: 3/10/10 [DP].

**First Special Session**

**Floor Activity:**

Passed House: 4/12/10, 85-9.

### Brief Summary of Engrossed Bill

- Changes terminology to use the term "evaluation" rather than "examination."
- Specifies that if a person is indigent, the Department of Social and Health Services (DSHS) is responsible for the cost of one expert or professional to conduct an evaluation on the person's behalf and that the expert or professional have reasonable access to the person for the purposes of evaluations.
- Directs the DSHS to adopt rules related to reimbursements for the cost of evaluations.
- Clarifies that nothing precludes a person from paying for additional expert services at his or her own expense.

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### HOUSE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass. Signed by 22 members: Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler, Cody, Conway, Darneille, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew, Priest, Ross, Schmick and Seaquist.

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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.*

**Staff:** Melissa Palmer (786-7388).

**Background:**

Under the Community Protection Act of 1990, a sexually violent predator may be civilly committed upon the expiration of that person's criminal sentence. A sexually violent predator (SVP) is a person who has been convicted of or charged with a sexually violent offense 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. Crimes that constitute a sexually violent offense are enumerated in the statute and may include a federal or out-of-state offense if the crime would be a sexually violent offense under the laws of this state. The term predatory is defined to mean acts directed towards strangers or individuals with whom a relationship has been established for the primary purpose of victimization.

When a prosecuting agency has filed a petition against a person alleging that the person is an SVP or when the person has previously been found to be an SVP and is subject to a hearing for conditional release, the person is entitled to be examined by qualified experts or professional persons. If the person is indigent, the court must assist the person in obtaining an expert or professional person to perform an examination.

Once a person is found to be an SVP, the person is entitled to periodic hearings to determine if the person continues to meet the definition of an SVP or if release to a less restrictive alternative is appropriate. A state-endorsed plan for a less restrictive alternative will be a graduated release plan that entails the SVP moving to a Secure Community Transition Facility (SCTF). A SCTF is a facility that provides greater freedom to the SVP and is designed to allow the SVP to gradually transition back to the community while continuing treatment.

A SCTF is required to meet the following minimum staffing requirements:

- For SCTFs opened prior to July 1, 2003, that have six or fewer residents, the facility must maintain one staff per three residents during normal waking hours and one staff per four residents during sleeping hours, but in no case less than two staff per housing unit.
- For SCTFs opened after July 1, 2003, with six or fewer residents, the facility must maintain one staff per resident during normal waking hours and two staff per three residents during normal sleeping hours, but in no case less than two staff per housing unit.

If a SCTF has six or fewer residents, all staff must be classified as a Residential Rehabilitation Counselor II or have a classification that indicates an equivalent or higher level of skill, experience, and training. All staff must have training in sex offender issues, self-defense, and crisis de-escalation skills and must pass a background check.

**Summary of Bill:**

Use of the term "examination" is changed to "evaluation." If a person is indigent, the Department of Social and Health Services (DSHS) is responsible for the cost of one expert or

professional person to conduct an evaluation on the person's behalf. An expert or professional person of the person's choice must be permitted to have reasonable access to the person for purposes of evaluation. The person is not precluded from paying for additional expert services at his or her own expense. The DSHS must adopt rules for the payment of evaluation services.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

No public hearing was held.

**Persons Testifying:** None.

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