

SENATE BILL REPORT

HB 2905

As Reported By Senate Committee On:
Human Services & Corrections, February 26, 1998

Title: An act relating to placement of sexually violent predators by the department of social and health services at state mental facilities.

Brief Description: Prohibiting placement of sexually violent predators in state mental facilities.

Sponsors: Representatives Carrell, Talcott, Cooke, Bush, Smith, Cairnes, Koster, Backlund, Sherstad, Lambert and Kastama.

Brief History:

Committee Activity: Human Services & Corrections: 2/24/98, 2/26/98 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Staff: Fara Daun (786-7459)

Background: When a person who has committed a crime of sexual violence is to be released from total confinement, or has been released into the community and has committed a recent overt act of sexual violence, a petition may be filed to determine whether the person is a sexually violent predator. A sexually violent predator is a person convicted of a crime of sexual violence who suffers from a mental condition or disorder which makes him or her likely to engage in further violent, predatory sexual acts.

When a court or a unanimous jury finds beyond a reasonable doubt that a person is a sexually violent predator, the person is placed in the custody of the Department of Social and Health Services (DSHS). DSHS must place sexually violent predators in a secure facility operated by DSHS for their control, care, and treatment until the person's mental condition resolves and the person is safe to be released or moved to a less restrictive alternative.

Persons awaiting a hearing pursuant to a sexually violent predator petition must be held in a secure facility. These facilities shall not be located on the grounds of any state mental facility or habilitation center due to the high level of security required for this population. A person confined in a correctional facility who is the subject of a sexually violent predator petition shall not be released while the petition is pending.

There are three state mental facilities: Western State Hospital, Eastern State Hospital, and the Children Study and Treatment Center. Regional habilitation centers are state institutions which provide residential care for the developmentally disabled.

Summary of Bill: The department is restricted from placing a sexual predator, even temporarily, in a facility on the grounds of a state mental facility or regional habilitation center.

Appropriation: None.

Fiscal Note: Requested on February 17, 1998.

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

Testimony For: The facilities at state mental facilities, including the legal offender unit at Western State, are insufficiently secure for civilly committed sexually violent predators. Current law prohibits placing a facility for these offenders on the grounds of a state mental facility or regional habilitation facility. This would not only prevent the facility, but the placement of individual offenders for treatment or study. The option being removed has never been used.

The new facility for civilly committed sexually violent predators on McNeil Island will have the facilities necessary, and is only a short ferry ride from Western State. The proximity will allow staff to treat and/or study offenders without moving them.

The bill does not affect the current and future need to construct facilities for special populations of civilly committed sexually violent predators.

Testimony Against: None.

Testified: Rep. Mike Carrell, prime sponsor (pro); Victoria Roberts, DOC (pro); Mark Seling, DSHS (pro).