

2 **ESSB 6594** - H COMM AMD **ADOPTED 3-8-02**
3 By Committee on Appropriations

4

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

7 "NEW SECTION. **Sec. 1.** The purpose of this act is to:

8 (1) Enable the legislature to act upon the recommendations of the
9 joint select committee on the equitable distribution of secure
10 community transition facilities established in section 225, chapter 12,
11 Laws of 2001 2nd sp. sess.; and

12 (2) Harmonize the preemption provisions in RCW 71.09.250 with the
13 preemption provisions applying to future secure community transition
14 facilities to reflect the joint select committee's recommendation that
15 the preemption granted for future secure community transition
16 facilities be the same throughout the state.

17 **Sec. 2.** RCW 36.70A.200 and 2001 2nd sp.s. c 12 s 205 are each
18 amended to read as follows:

19 (1) The comprehensive plan of each county and city that is planning
20 under RCW 36.70A.040 shall include a process for identifying and siting
21 essential public facilities. Essential public facilities include those
22 facilities that are typically difficult to site, such as airports,
23 state education facilities and state or regional transportation
24 facilities as defined in RCW 47.06.140, state and local correctional
25 facilities, solid waste handling facilities, and in-patient facilities
26 including substance abuse facilities, mental health facilities, group
27 homes, and secure community transition facilities as defined in RCW
28 71.09.020.

29 (2) Each county and city planning under RCW 36.70A.040 shall, not
30 later than (~~the deadline specified in RCW 36.70A.130~~) September 1,
31 2002, establish a process, or amend its existing process, for
32 identifying and siting essential public facilities(~~(7)~~) and adopt or
33 amend its development regulations as necessary to provide for the
34 siting of secure community transition facilities consistent with
35 statutory requirements applicable to these facilities.

1 (3) Any city or county not planning under RCW 36.70A.040 shall, not
2 later than (~~the deadline specified in RCW 36.70A.130~~) September 1,
3 2002, establish a process for siting secure community transition
4 facilities and adopt or amend its development regulations as necessary
5 to provide for the siting of such facilities consistent with statutory
6 requirements applicable to these facilities.

7 (4) The office of financial management shall maintain a list of
8 those essential state public facilities that are required or likely to
9 be built within the next six years. The office of financial management
10 may at any time add facilities to the list.

11 (5) No local comprehensive plan or development regulation may
12 preclude the siting of essential public facilities.

13 (6) No person may bring a cause of action for civil damages based
14 on the good faith actions of any county or city to provide for the
15 siting of secure community transition facilities in accordance with
16 this section and with the requirements of chapter 12, Laws of 2001 2nd
17 sp. sess. For purposes of this subsection, "person" includes, but is
18 not limited to, any individual, agency as defined in RCW 42.17.020,
19 corporation, partnership, association, and limited liability entity.

20 (7) Counties or cities siting facilities pursuant to subsection (2)
21 or (3) of this section shall comply with section 7 of this act.

22 (8) The failure of a county or city to act by the deadlines
23 established in subsections (2) and (3) of this section is not:

24 (a) A condition that would disqualify the county or city for
25 grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

26 (b) A consideration for grants or loans provided under RCW
27 43.17.250(2); or

28 (c) A basis for any petition under RCW 36.70A.280 or for any
29 private cause of action.

30 NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW
31 to read as follows:

32 (1) Law enforcement shall respond to a call regarding a resident of
33 a secure community transition facility as a high priority call.

34 (2) No law enforcement officer responding reasonably and in good
35 faith to a call regarding a resident of a secure community transition
36 facility shall be held liable nor shall the city or county employing
37 the officer be held liable, in any cause of action for civil damages

1 based on the acts of the resident or the actions of the officer during
2 the response.

3 **Sec. 4.** RCW 71.09.020 and 2001 2nd sp.s. c 12 s 102 are each
4 amended to read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Department" means the department of social and health
8 services.

9 (2) "Less restrictive alternative" means court-ordered treatment in
10 a setting less restrictive than total confinement which satisfies the
11 conditions set forth in RCW 71.09.092.

12 (3) "Likely to engage in predatory acts of sexual violence if not
13 confined in a secure facility" means that the person more probably than
14 not will engage in such acts if released unconditionally from detention
15 on the sexually violent predator petition. Such likelihood must be
16 evidenced by a recent overt act if the person is not totally confined
17 at the time the petition is filed under RCW 71.09.030.

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

22 (5) "Predatory" means acts directed towards: (a) Strangers; (b)
23 individuals with whom a relationship has been established or promoted
24 for the primary purpose of victimization; or (c) persons of casual
25 acquaintance with whom no substantial personal relationship exists.

26 (6) "Recent overt act" means any act or threat that has either
27 caused harm of a sexually violent nature or creates a reasonable
28 apprehension of such harm in the mind of an objective person who knows
29 of the history and mental condition of the person engaging in the act.

30 (7) "Risk potential activity" or "risk potential facility" means an
31 activity or facility that provides a higher incidence of risk to the
32 public from persons conditionally released from the special commitment
33 center. Risk potential activities and facilities include: Public and
34 private schools, school bus stops, licensed day care and licensed
35 preschool facilities, public parks, publicly dedicated trails, sports
36 fields, playgrounds, recreational and community centers, churches,
37 synagogues, temples, mosques, ~~((and))~~ public libraries, and others
38 identified by the department following the hearings on a potential site

1 required in RCW 71.09.315. For purposes of this chapter, "school bus
2 stops" does not include bus stops established primarily for public
3 transit.

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

6 (9) "Secure facility" means a residential facility for persons
7 civilly confined under the provisions of this chapter that includes
8 security measures sufficient to protect the community. Such facilities
9 include total confinement facilities, secure community transition
10 facilities, and any residence used as a court-ordered placement under
11 RCW 71.09.096.

12 (10) "Secure community transition facility" means a residential
13 facility for persons civilly committed and conditionally released to a
14 less restrictive alternative under this chapter. A secure community
15 transition facility has supervision and security, and either provides
16 or ensures the provision of sex offender treatment services. Secure
17 community transition facilities include but are not limited to the
18 facilities established pursuant to RCW 71.09.250 and any
19 community-based facilities established under this chapter and operated
20 by the secretary or under contract with the secretary.

21 (11) "Sexually violent offense" means an act committed on, before,
22 or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as
23 rape in the first degree, rape in the second degree by forcible
24 compulsion, rape of a child in the first or second degree, statutory
25 rape in the first or second degree, indecent liberties by forcible
26 compulsion, indecent liberties against a child under age fourteen,
27 incest against a child under age fourteen, or child molestation in the
28 first or second degree; (b) a felony offense in effect at any time
29 prior to July 1, 1990, that is comparable to a sexually violent offense
30 as defined in (a) of this subsection, or any federal or out-of-state
31 conviction for a felony offense that under the laws of this state would
32 be a sexually violent offense as defined in this subsection; (c) an act
33 of murder in the first or second degree, assault in the first or second
34 degree, assault of a child in the first or second degree, kidnapping in
35 the first or second degree, burglary in the first degree, residential
36 burglary, or unlawful imprisonment, which act, either at the time of
37 sentencing for the offense or subsequently during civil commitment
38 proceedings pursuant to this chapter, has been determined beyond a
39 reasonable doubt to have been sexually motivated, as that term is

1 defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28
2 RCW, that is an attempt, criminal solicitation, or criminal conspiracy
3 to commit one of the felonies designated in (a), (b), or (c) of this
4 subsection.

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

10 (13) "Total confinement facility" means a facility that provides
11 supervision and sex offender treatment services in a total confinement
12 setting. Total confinement facilities include the special commitment
13 center and any similar facility designated as a secure facility by the
14 secretary.

15 **Sec. 5.** RCW 71.09.285 and 2001 2nd sp.s. c 12 s 213 are each
16 amended to read as follows:

17 (1) Except with respect to the secure community transition facility
18 established pursuant to RCW 71.09.250, the secretary shall develop
19 policy guidelines that balance the average response time of emergency
20 services to the general area of a proposed secure community transition
21 facility against the proximity of the proposed site to risk potential
22 activities and facilities in existence at the time the site is listed
23 for consideration.

24 (2) In (~~balancing the competing criteria of proximity and response~~
25 ~~time the policy guidelines shall endeavor to achieve an average law~~
26 ~~enforcement response time not greater than five minutes and in~~)) no
27 case shall the policy guidelines permit location of a facility adjacent
28 to, immediately across a street or parking lot from, or within the line
29 of sight of a risk potential activity or facility in existence at the
30 time a site is listed for consideration. "Within the line of sight"
31 means that it is possible to reasonably visually distinguish and
32 recognize individuals.

33 (3) The policy guidelines shall require that great weight be given
34 to sites that are the farthest removed from any risk potential
35 activity.

36 (4) The policy guidelines shall specify how distance from the
37 location is measured and any variations in the measurement based on the
38 size of the property within which a proposed facility is to be located.

1 (5) The policy guidelines shall establish a method to analyze and
2 compare the criteria for each site in terms of public safety and
3 security, site characteristics, and program components. In making a
4 decision regarding a site following the analysis and comparison, the
5 secretary shall give priority to public safety and security
6 considerations. The analysis and comparison of the criteria are to be
7 documented and made available at the public hearings prescribed in RCW
8 71.09.315.

9 (6) Policy guidelines adopted by the secretary under this section
10 shall be considered by counties and cities when providing for the
11 siting of secure community transition facilities as required under RCW
12 36.70A.200.

13 **Sec. 6.** RCW 71.09.305 and 2001 2nd sp.s. c 12 s 217 are each
14 amended to read as follows:

15 (1) Unless otherwise ordered by the court:

16 (a) Residents of a secure community transition facility shall wear
17 electronic monitoring devices at all times. To the extent that
18 electronic monitoring devices that employ global positioning system
19 technology are available and funds for this purpose are appropriated by
20 the legislature, the department shall use these devices.

21 (b) At least one staff member, or other court-authorized and
22 department-approved person must escort each resident when the resident
23 leaves the secure community transition facility for appointments,
24 employment, or other approved activities. Escorting persons must
25 supervise the resident closely and maintain close proximity to the
26 resident. The escort must immediately notify the department of any
27 serious violation, as defined in RCW 71.09.325, by the resident and
28 must immediately notify law enforcement of any violation of law by the
29 resident. The escort may not be a relative of the resident or a person
30 with whom the resident has, or has had, a dating relationship as
31 defined in RCW 26.50.010.

32 (2) Staff members of the special commitment center and any other
33 total confinement facility and any secure community transition facility
34 must be trained in self-defense and appropriate crisis responses
35 including incident de-escalation. Prior to escorting a person outside
36 of a facility, staff members must also have training in the offense
37 pattern of the offender they are escorting. (~~The escort may not be a~~
38 ~~relative of the resident.~~)

1 (3) Any escort must carry a cellular telephone or a similar device
2 at all times when escorting a resident of a secure community transition
3 facility.

4 (4) The department shall require training in offender pattern,
5 self-defense, and incident response for all court-authorized escorts
6 who are not employed by the department or the department of
7 corrections.

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

10 The minimum requirements set out in RCW 71.09.285 through 71.09.340
11 are minimum requirements to be applied by the department. Nothing in
12 this section is intended to prevent a city or county from adopting
13 development regulations, as defined in RCW 36.70A.030, unless the
14 proposed regulation imposes requirements more restrictive than those
15 specifically addressed in RCW 71.09.285 through 71.09.340. Regulations
16 that impose requirements more restrictive than those specifically
17 addressed in these sections are void. Nothing in these sections
18 prevents the department from adding requirements to enhance public
19 safety.

20 **Sec. 8.** RCW 71.09.255 and 2001 2nd sp.s. c 12 s 204 are each
21 amended to read as follows:

22 (1) Upon receiving the notification required by RCW 71.09.250,
23 counties must promptly notify the cities within the county of the
24 maximum number of secure community transition facility beds that may be
25 required and the projected number of beds to be needed in that county.

26 (2) The incentive grants and payments provided under this section
27 are subject to the following provisions:

28 (a) Counties and the cities within the county must notify each
29 other of siting plans to promote the establishment and equitable
30 distribution of secure community transition facilities;

31 (b) Development regulations, ordinances, plans, laws, and criteria
32 established for siting must be consistent with statutory requirements
33 and rules applicable to siting and operating secure community
34 transition facilities;

35 (c) The minimum size for any facility is three beds; and

36 (d) The department must approve any sites selected.

1 (3) Any county or city that makes a commitment to initiate the
2 process to site one or more secure community transition facilities by
3 (~~February 1, 2002~~) one hundred twenty days after the effective date
4 of this act, shall receive a planning grant as proposed and approved by
5 the department of community, trade, and economic development.

6 (4) Any county or city that has issued all necessary permits by May
7 1, 2003, for one or more secure community transition facilities that
8 comply with the requirements of this section shall receive an incentive
9 grant in the amount of fifty thousand dollars for each bed sited.

10 (5) To encourage the rapid permitting of sites, any county or city
11 that has issued all necessary permits by January 1, 2003, for one or
12 more secure community transition facilities that comply with the
13 requirements of this section shall receive a bonus in the amount of
14 twenty percent of the amount provided under subsection (4) of this
15 section.

16 (6) Any county or city that establishes secure community transition
17 facility beds in excess of the maximum number that could be required to
18 be sited in that county shall receive a bonus payment of one hundred
19 thousand dollars for each bed established in excess of the maximum
20 requirement.

21 (7) No payment shall be made under subsection (4), (5), or (6) of
22 this section until all necessary permits have been issued.

23 (8) The funds available to counties and cities under this section
24 are contingent upon funds being appropriated by the legislature.

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

27 (1) After October 1, 2002, notwithstanding RCW 36.70A.103 or any
28 other law, this section preempts and supersedes local plans,
29 development regulations, permitting requirements, inspection
30 requirements, and all other laws as necessary to enable the department
31 to site, construct, renovate, occupy, and operate secure community
32 transition facilities within the borders of the following:

33 (a) Any county that had five or more persons civilly committed from
34 that county, or detained at the special commitment center under a
35 pending civil commitment petition from that county where a finding of
36 probable cause has been made, on April 1, 2001, if the department
37 determines that the county has not met the requirements of RCW
38 36.70A.200 with respect to secure community transition facilities.

1 This subsection does not apply to the county in which the secure
2 community transition facility authorized under RCW 71.09.250(1) is
3 located; and

4 (b) Any city located within a county listed in (a) of this
5 subsection that the department determines has not met the requirements
6 of RCW 36.70A.200 with respect to secure community transition
7 facilities.

8 (2) The department's determination under subsection (1)(a) or (b)
9 of this section is final and is not subject to appeal under chapter
10 34.05 or 36.70A RCW.

11 (3) When siting a facility in a county or city that has been
12 preempted under this section, the department shall consider the policy
13 guidelines established under RCW 71.09.275 and 71.09.290 and shall hold
14 the hearings required in RCW 71.09.315.

15 (4) Nothing in this section prohibits the department from:

16 (a) Siting a secure community transition facility in a city or
17 county that has complied with the requirements of RCW 36.70A.200 with
18 respect to secure community transition facilities, including a city
19 that is located within a county that has been preempted. If the
20 department sites a secure community transition facility in such a city
21 or county, the department shall use the process established by the city
22 or county for siting such facilities; or

23 (b) Consulting with a city or county that has been preempted under
24 this section regarding the siting of a secure community transition
25 facility.

26 (5)(a) A preempted city or county may propose public safety
27 measures specific to any finalist site to the department. The measures
28 must be consistent with the location of the facility at that finalist
29 site. The proposal must be made in writing by the date of:

30 (i) The second hearing under RCW 71.09.315(2)(a) when there are
31 three finalist sites; or

32 (ii) The first hearing under RCW 71.09.315(2)(b) when there is only
33 one site under consideration.

34 (b) The department shall respond to the city or county in writing
35 within fifteen business days of receiving the proposed measures. The
36 response shall address all proposed measures.

37 (c) If the city or county finds that the department's response is
38 inadequate, the city or county may notify the department in writing
39 within fifteen business days of the specific items which it finds

1 inadequate. If the city or county does not notify the department of a
2 finding that the response is inadequate within fifteen business days,
3 the department's response shall be final.

4 (d) If the city or county notifies the department that it finds the
5 response inadequate and the department does not revise its response to
6 the satisfaction of the city or county within seven business days, the
7 city or county may petition the governor to designate a person with law
8 enforcement expertise to review the response under RCW 34.05.479.

9 (e) The governor's designee shall hear a petition filed under this
10 subsection and shall make a determination within thirty days of hearing
11 the petition. The governor's designee shall consider the department's
12 response, and the effectiveness and cost of the proposed measures, in
13 relation to the purposes of this chapter. The determination by the
14 governor's designee shall be final and may not be the basis for any
15 cause of action in civil court.

16 (f) The city or county shall bear the cost of the petition to the
17 governor's designee. If the city or county prevails on all issues, the
18 department shall reimburse the city or county costs incurred, as
19 provided under chapter 34.05 RCW.

20 (g) Neither the department's consideration and response to public
21 safety conditions proposed by a city or county nor the decision of the
22 governor's designee shall affect the preemption under this section or
23 the department's authority to site, construct, renovate, occupy, and
24 operate the secure community transition facility at that finalist site
25 or at any finalist site.

26 (6) Until June 30, 2009, the secretary shall site, construct,
27 occupy, and operate a secure community transition facility sited under
28 this section in an environmentally responsible manner that is
29 consistent with the substantive objectives of chapter 43.21C RCW, and
30 shall consult with the department of ecology as appropriate in carrying
31 out the planning, construction, and operations of the facility. The
32 secretary shall make a threshold determination of whether a secure
33 community transition facility sited under this section would have a
34 probable significant, adverse environmental impact. If the secretary
35 determines that the secure community transition facility has such an
36 impact, the secretary shall prepare an environmental impact statement
37 that meets the requirements of RCW 43.21C.030 and 43.21C.031 and the
38 rules promulgated by the department of ecology relating to such

1 statements. Nothing in this subsection shall be the basis for any
2 civil cause of action or administrative appeal.

3 (7) This section does not apply to the secure community transition
4 facility established pursuant to RCW 71.09.250(1).

5 NEW SECTION. **Sec. 10.** A new section is added to chapter 34.05 RCW
6 to read as follows:

7 A petition brought pursuant to section 9(5) of this act shall be
8 heard under the provisions of RCW 34.05.479 except that the decision of
9 the governor's designee shall be final and is not subject to judicial
10 review.

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

13 An emergency has been caused by the need to expeditiously site
14 facilities to house sexually violent predators who have been committed
15 under this chapter. To meet this emergency, for purposes of RCW
16 71.09.250 and section 9 of this act, "all other laws" means the state
17 environmental policy act, the shoreline management act, the hydraulics
18 code, and all other state laws regulating the protection and use of the
19 water, land, and air.

20 This section expires June 30, 2009.

21 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.21C
22 RCW to read as follows:

23 An emergency has been caused by the need to expeditiously site
24 facilities to house sexually violent predators who have been committed
25 under chapter 71.09 RCW. To meet this emergency, secure community
26 transition facilities sited pursuant to the preemption provisions of
27 section 9 of this act and secure facilities sited pursuant to the
28 preemption provisions of RCW 71.09.250 are not subject to the
29 provisions of this chapter.

30 This section expires June 30, 2009.

31 NEW SECTION. **Sec. 13.** A new section is added to chapter 90.58 RCW
32 to read as follows:

33 An emergency has been caused by the need to expeditiously site
34 facilities to house sexually violent predators who have been committed
35 under chapter 71.09 RCW. To meet this emergency, secure community

1 transition facilities sited pursuant to the preemption provisions of
2 section 9 of this act and secure facilities sited pursuant to the
3 preemption provisions of RCW 71.09.250 are not subject to the
4 provisions of this chapter.

5 This section expires June 30, 2009.

6 NEW SECTION. **Sec. 14.** A new section is added to chapter 77.55 RCW
7 to read as follows:

8 An emergency has been caused by the need to expeditiously site
9 facilities to house sexually violent predators who have been committed
10 under chapter 71.09 RCW. To meet this emergency, secure community
11 transition facilities sited pursuant to the preemption provisions of
12 section 9 of this act and secure facilities sited pursuant to the
13 preemption provisions of RCW 71.09.250 are not subject to the
14 provisions of this chapter.

15 This section expires June 30, 2009.

16 **Sec. 15.** RCW 36.70A.103 and 2001 2nd sp.s. c 12 s 203 are each
17 amended to read as follows:

18 State agencies shall comply with the local comprehensive plans and
19 development regulations and amendments thereto adopted pursuant to this
20 chapter except as otherwise provided in RCW 71.09.250 (1) through (3),
21 section 9 of this act, and 72.09.333.

22 The provisions of chapter 12, Laws of 2001 2nd sp. sess. do not
23 affect the state's authority to site any other essential public
24 facility under RCW 36.70A.200 in conformance with local comprehensive
25 plans and development regulations adopted pursuant to chapter 36.70A
26 RCW.

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

29 (1) At the request of the local government of the city or county in
30 which a secure community transition facility is initially sited after
31 January 1, 2002, the department shall enter into a long-term contract
32 memorializing the agreements between the state and the city or county
33 for the operation of the facility. This contract shall be separate
34 from any contract regarding mitigation due to the facility. The
35 contract shall include a clause that states:

1 (a) The contract does not obligate the state to continue operating
2 any aspect of the civil commitment program under this chapter;

3 (b) The operation of any secure community transition facility is
4 contingent upon sufficient appropriation by the legislature. If
5 sufficient funds are not appropriated, the department is not obligated
6 to operate the secure community transition facility and may close it;
7 and

8 (c) This contract does not obligate the city or county to operate
9 a secure community transition facility.

10 (2) Any city or county may, at their option, contract with the
11 department to operate a secure community transition facility.

12 NEW SECTION. Sec. 17. A new section is added to chapter 71.09 RCW
13 to read as follows:

14 (1) Subject to funds appropriated by the legislature, the
15 department may enter into negotiation for a mitigation agreement with:

16 (a) The county and/or city in which a secure community transition
17 facility sited after January 1, 2002, is located;

18 (b) Each community in which the persons from those facilities will
19 reside or regularly spend time, pursuant to court orders, for regular
20 work or education, or to receive social services, or through which the
21 person or persons will regularly be transported to reach other
22 communities; and

23 (c) Educational institutions in the communities identified in (a)
24 and (b) of this subsection.

25 (2) Mitigation agreements are limited to the following:

26 (a) One-time training for local law enforcement and administrative
27 staff, upon the establishment of a secure community transition
28 facility.

29 (i) Training between local government staff and the department
30 includes training in coordination, emergency procedures, program and
31 facility information, legal requirements, and resident profiles.

32 (ii) Reimbursement for training under this subsection is limited
33 to:

34 (A) The salaries or hourly wages and benefits of those persons who
35 receive training directly from the department; and

36 (B) Costs associated with preparation for, and delivery of,
37 training to the department or its contracted staff by local government
38 staff or contractors;

1 (b) Information coordination:

2 (i) Information coordination includes data base infrastructure
3 establishment and programming for the dissemination of information
4 among law enforcement and the department related to facility residents.

5 (ii) Reimbursement for information coordination is limited to
6 start-up costs;

7 (c) One-time capital costs:

8 (i) One-time capital costs are off-site costs associated with the
9 need for increased security in specific locations.

10 (ii) Reimbursement for one-time capital costs is limited to actual
11 costs; and

12 (d) Incident response:

13 (i) Incident response costs are law enforcement and criminal
14 justice costs associated with violations of conditions of release or
15 crimes by residents of the secure community transition facility.

16 (ii) Reimbursement for incident response does not include private
17 causes of action.

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

20 (1) To encourage economies of scale in the siting and operation of
21 secure community transition facilities, the department may enter into
22 an agreement with two or more counties to create a regional secure
23 community transition facility. The agreement must clearly identify the
24 number of beds from each county that will be contained in the regional
25 secure community transition facility. The agreement must specify which
26 county must contain the regional secure community transition facility
27 and the facility must be sited accordingly. No county may withdraw
28 from an agreement under this section unless it has provided an
29 alternative acceptable secure community transition facility to house
30 any displaced residents that meets the criteria established for such
31 facilities in this chapter and the guidelines established by the
32 department.

33 (2) A regional secure community transition facility must meet the
34 criteria established for secure community transition facilities in this
35 chapter and the guidelines established by the department.

36 (3) The department shall count the beds identified for each
37 participating county in a regional secure community transition facility

1 against the maximum number of beds that could be required for each
2 county under RCW 71.09.250(7)(a).

3 (4) An agreement for a regional secure community transition
4 facility does not alter the maximum number of beds for purposes of the
5 incentive grants under RCW 71.09.255 for the county containing the
6 regional facility.

7 NEW SECTION. **Sec. 19.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

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

15 Correct the title.

--- END ---