

HOUSE BILL REPORT

HB 3205

As Passed Legislature

Title: An act relating to the authority to apprehend conditionally released persons.

Brief Description: Clarifying the authority to apprehend conditionally released persons.

Sponsors: By Representatives O'Brien, Clements, Pettigrew, Santos, McDermott, Ericks, Sells, Kilmer, Green and Morrell.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/31/06 [DP].

Floor Activity:

Passed House: 2/8/06, 98-0.

Passed Senate: 3/3/06, 48-0.

Passed Legislature.

Brief Summary of Bill

- Allows a law enforcement officer, under certain circumstances, to arrest a conditionally released sexually violent predator.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Staff: Jim Morishima (786-7191).

Background:

Under the Community Protection Act of 1990, a sexually violent predator may be civilly committed after the completion of his or her criminal sentence. A sexually violent predator is a person who: (1) has been convicted of, found not guilty by reason of insanity of, or found to be incompetent to stand trial for, a crime of sexual violence, and (2) 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. 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 on McNeil Island.

A sexually violent predator who has been civilly committed is entitled to an annual review of his or her condition. As part of this evaluation, a court may order that the person be conditionally released to a less restrictive alternative (LRA). An LRA placement is only authorized if it is in the best interests of the person and adequate safeguards can be put in place to protect the community.

In 2001, the Legislature authorized the DSHS to operate a type of LRA known as a secure community transition facility (SCTF). A variety of security measures are specified for SCTFs. For example, residents of a SCTF must wear electronic monitoring devices at all times. If a resident leaves an SCTF for employment or treatment, he or she must be accompanied by at least one SCTF staff member at all times. The DSHS is currently operating two SCTFs, one on McNeil Island and one in south Seattle.

If the prosecuting attorney, the supervising community corrections officer (CCO), or the court believes that a person on LRA status is not complying with the terms and conditions of his or her release, the court or the CCO may order the person to be apprehended. Once the person is apprehended, the court must schedule a hearing to determine whether the person's conditional release should be altered or revoked.

Summary of Bill:

A law enforcement officer who has responded to a request for assistance from an employee of the DSHS may apprehend a person on LRA status if the officer reasonably believes that the person is not complying with the terms of his or her conditional release. The person may be detained in the county jail or may be returned to the SCTF.

Appropriation: None.

Fiscal Note: Requested on January 25, 2006.

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

Testimony For: This bill only applies to sexually violent predators who are in an SCTF. Local law enforcement has the right to arrest a sexually violent predator if he or she escapes. However, we do not have the authority to arrest a sexually violent predator for violations of the conditions of his or her conditional release. Only the Department of Corrections has this authority and it may take them awhile to respond depending on the time of day. This bill allows local law enforcement to make the arrest, but only pursuant to a request from the DSHS.

Testimony Against: None.

Persons Testifying: Detective Bob Shilling, Seattle Police Department.

Persons Signed In To Testify But Not Testifying: None.