

# SENATE BILL REPORT

## HB 3205

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As Reported By Senate Committee On:  
Human Services & Corrections, February 23, 2006

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

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

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

**Brief History:** Passed House: 2/08/06, 98-0.

**Committee Activity:** Human Services & Corrections: 2/20/06, 2/23/06 [DP].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

**Staff:** Kiki Keizer (786-7430)

**Background:** 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 may be civilly committed to the custody of the Department of Social and Health Services (DSHS) for control, care, and individualized treatment.

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.

"Sexually violent predator escape" is a Class A felony that occurs when a person classified as a sexually violent predator (1) escapes from a secure facility where he or she is confined, (2) absconds from the state, (3) tampers with his or her electronic monitoring device, (4) escapes

from his or her escort, or (5) leaves or remains absent from his or her home, work, or school, without authorization.

In addition, 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 less restrictive alternative (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 Secure Community Transition Facility (SCTF).

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The Seattle Police Department and others did a lot of work to make the SCTF in south Seattle safe. Currently, the police department lacks specific authority to detain residents of the SCTF who are being uncooperative but who are not breaking the law in order to take them back to the SCTF or to jail. Because that SCTF is not located on an island, like McNeil Island, but rather in a densely populated area, police need this authority.

**Testimony Against:** None.

**Who Testified:** PRO: Representative Al O'Brien, prime sponsor; Detective Robert A. Shilling, Seattle Police Department.