

SENATE BILL REPORT

SHB 1258

As of February 16, 2004

Title: An act relating to civilly committing sexually violent predators who are involuntarily committed under chapter 10.77 RCW.

Brief Description: Committing sexually violent predators.

Sponsors: House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Carrell, Roach, Talcott, Kirby, Newhouse, Conway, McMahan, Kristiansen, Boldt, Flannigan, McDonald, Bush, Lantz, Cairnes, O'Brien, Shabro, Schindler, Ahern, Priest, Benson, Nixon, Chase and Anderson).

Brief History:

Committee Activity: Children & Family Services & Corrections: 3/26/03, 3/31/03 [DP].

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Staff: Fara Daun (786-7459)

Background: Current law requires that when it appears that a sex offender may meet the requirements for civil commitment under Chapter 71.09 RCW, the prosecuting attorney of the county where the person was charged be notified three months prior to release, regardless of the facility from which the person is to be released.

Civil commitments under Chapter 71.09 RCW may be initiated only by the county prosecutor from the county where the person was charged or the by the Office of the Attorney General. The Office of the Attorney General has agreements to prosecute these petitions for all counties except King County. Consequently, a determination whether to proceed on any referral is made by the Attorney General or the King County prosecutor.

Since 1990, when civil commitment under Chapter 71.09 RCW began, there have been eight referrals from the mental health division. Of those, four were declined for commitment proceedings because they did not meet the commitment standard under Chapter 71.09 RCW. Commitment petitions were initiated against the other four.

Summary of Bill: When a sex offender who may meet the requirements for civil commitment under Chapter 71.09 RCW may be released from civil commitment under Chapter 10.77 RCW following a determination that the person was incompetent to stand trial or was not guilty by reason of insanity, DSHS must also notify the county prosecutor of the county to which the person will be released.

The county prosecutor of the county to which the person will be released may file a petition for civil commitment under Chapter 71.09.RCW.

Appropriation: None.

Fiscal Note: Available.

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