

FINAL BILL REPORT

E2SSB 6630

C 303 L 06

Synopsis as Enacted

Brief Description: Establishing the community protection program for persons with developmental disabilities.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Kline, Prentice, Keiser, Fairley, Regala, McAuliffe and Kohl-Welles).

Senate Committee on Health & Long-Term Care
Senate Committee on Ways & Means
House Committee on Children & Family Services

Background: In 1996, the Legislature began providing funding to the Department of Social and Health Services (DSHS) to create and run a program for persons with developmental disabilities who have demonstrated violent or sexually violent behaviors. The program, known as the Community Protection Program, continues to exist through budget proviso and through Division of Developmental Disabilities policy.

Currently, there are approximately 390 persons placed in the Community Protection Program. Of the 390, approximately 80 percent demonstrate sexually aggressive behavior, with the remaining 20 percent demonstrating violent, assaultive, or arsonist behaviors. Approximately 100 participants are registered sex offenders.

The community protection program offers twenty-four hour per day supervision, treatment and counseling, and access to job training skills through day service programs.

DSHS contracts with private companies to provide the required supervision for persons in the Community Protection Program. Currently, eighteen companies are providing services. Of the eighteen companies, four are non-profit.

Summary: The bill places the Community Protection Program in statute.

It sets forth criteria that a person with developmental disabilities must meet for placement in the Community Protection Program. Entry criteria includes, but is not limited to: conviction of or charged with a crime of sexual violence, including rape and child molestation; the commission of one or more violent offenses, including any class A felony, assault in the second degree, arson in the second degree, or robbery in the second degree; and constituting a current risk to others.

Prior to placement in the program, a person must first receive an assessment from a qualified professional to determine appropriateness for placement in the program.

A person is entitled to an administrative hearing under the Administrative Procedures Act if the person wants to appeal termination of community protection waiver eligibility, assignment to the community protection waiver, and denial of a request for a less restrictive community

residential placement. Final decisions made by an administrative law judge may be appealed to superior court.

The process by which a program participant may seek placement in a less restrictive environment is codified. The process, enumerated within the bill, includes: success in complying with reduced supervision; remaining free of offenses that may indicate relapse for at least twelve months; and written verification of the participant's treatment progress.

DSHS's authority to take action against contracted providers of residential services who fail or refuse to comply with the terms of their contract is codified. Sanctions include decertifying or refusing to renew the certification of a provider, imposing conditions on the certification, or imposing civil penalties of not more than one hundred fifty dollars per day per violation.

Votes on Final Passage:

Senate	46	1	
House	98	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 7, 2006