
SENATE BILL 5129

State of Washington 59th Legislature 2005 Regular Session

By Senators Carrell, Kline, Kastama, Franklin, Regala, Benson, Delvin, Shin, Rasmussen and Benton

Read first time 01/14/2005. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to civilly committing sexually violent predators
2 who are involuntarily committed under chapter 10.77 RCW; and amending
3 RCW 71.09.025 and 71.09.030.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 71.09.025 and 2001 c 286 s 5 are each amended to read
6 as follows:

7 (1)(a) When it appears that a person may meet the criteria of a
8 sexually violent predator as defined in RCW 71.09.020(~~(+1)~~) (16), the
9 agency with jurisdiction shall refer the person in writing to the
10 prosecuting attorney of the county where that person was charged and
11 for persons covered under (a)(iii) and (iv) of this subsection, where
12 that person is about to be released, three months prior to:

13 (i) The anticipated release from total confinement of a person who
14 has been convicted of a sexually violent offense;

15 (ii) The anticipated release from total confinement of a person
16 found to have committed a sexually violent offense as a juvenile;

17 (iii) Release of a person who has been charged with a sexually
18 violent offense and who has been determined to be incompetent to stand
19 trial pursuant to RCW 10.77.090(4); or

1 (iv) Release of a person who has been found not guilty by reason of
2 insanity of a sexually violent offense (~~pursuant to RCW~~
3 ~~10.77.020(3)~~)).

4 (b) The agency shall provide the prosecutor with all relevant
5 information including but not limited to the following information:

6 (i) A complete copy of the institutional records compiled by the
7 department of corrections relating to the person, and any such out-of-
8 state department of corrections' records, if available;

9 (ii) A complete copy, if applicable, of any file compiled by the
10 indeterminate sentence review board relating to the person;

11 (iii) All records relating to the psychological or psychiatric
12 evaluation and/or treatment of the person;

13 (iv) A current record of all prior arrests and convictions, and
14 full police case reports relating to those arrests and convictions; and

15 (v) A current mental health evaluation or mental health records
16 review.

17 (2) This section applies to acts committed before, on, or after
18 March 26, 1992.

19 (3) The agency, its employees, and officials shall be immune from
20 liability for any good-faith conduct under this section.

21 (4) As used in this section, "agency with jurisdiction" means that
22 agency with the authority to direct the release of a person serving a
23 sentence or term of confinement and includes the department of
24 corrections, the indeterminate sentence review board, and the
25 department of social and health services.

26 **Sec. 2.** RCW 71.09.030 and 1995 c 216 s 3 are each amended to read
27 as follows:

28 When it appears that: (1) A person who at any time previously has
29 been convicted of a sexually violent offense is about to be released
30 from total confinement on, before, or after July 1, 1990; (2) a person
31 found to have committed a sexually violent offense as a juvenile is
32 about to be released from total confinement on, before, or after July
33 1, 1990; (3) a person who has been charged with a sexually violent
34 offense and who has been determined to be incompetent to stand trial is
35 about to be released, or has been released on, before, or after July 1,
36 1990, pursuant to RCW 10.77.090(~~(3)~~) (4); (4) a person who has been
37 found not guilty by reason of insanity of a sexually violent offense is

1 about to be released, or has been released on, before, or after July 1,
2 1990, pursuant to RCW (~~(10.77.020(3),~~) 10.77.110 (1) or (3)~~((7))~~) or
3 10.77.150; or (5) a person who at any time previously has been
4 convicted of a sexually violent offense and has since been released
5 from total confinement and has committed a recent overt act; and it
6 appears that the person may be a sexually violent predator, the
7 prosecuting attorney of the county where the person was convicted or
8 charged, the prosecuting attorney in the county where a person covered
9 by subsections (3) and (4) of this section was released or is about to
10 be released, or the attorney general if requested by the prosecuting
11 attorney may file a petition alleging that the person is a "sexually
12 violent predator" and stating sufficient facts to support such
13 allegation.

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