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**SENATE BILL 5163**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Rolfes, Dhingra, Saldaña, and Wilson, C.

Read first time 01/12/21. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to the placement and treatment of conditionally  
2 released sexually violent predators; amending RCW 71.09.080,  
3 71.09.090, 71.09.092, 71.09.096, 71.09.130, 71.09.140, and 71.09.250;  
4 reenacting and amending RCW 71.09.020; adding new sections to chapter  
5 71.09 RCW; adding a new section to chapter 9.94A RCW; creating a new  
6 section; and providing expiration dates.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that in 2008, the  
9 sex offender policy board was established to provide a more  
10 coordinated and integrated response to sex offender management in  
11 Washington state. The legislature further finds that in March 2020,  
12 the board was convened to review policies and practices related to  
13 sexually violent predators. The legislature recognizes that the board  
14 released a report and a series of recommendations regarding  
15 improvement to the current practice in order to ensure a successful  
16 transition for individuals convicted of sex offenses from total  
17 confinement back into the community. The legislature resolves to  
18 increase community safety through successful transition by enacting  
19 the recommendations of the board and other related policies.

1       **Sec. 2.** RCW 71.09.020 and 2015 c 278 s 2 are each reenacted and  
2 amended to read as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "Department" means the department of social and health  
6 services.

7       (2) "Fair share principles" and "fair share principles of  
8 release" means that each county has adequate options for conditional  
9 release housing placements in a number generally equivalent to the  
10 number of residents from that county who are subject to total  
11 confinement pursuant to this chapter.

12       (3) "Health care facility" means any hospital, hospice care  
13 center, licensed or certified health care facility, health  
14 maintenance organization regulated under chapter 48.46 RCW, federally  
15 qualified health maintenance organization, federally approved renal  
16 dialysis center or facility, or federally approved blood bank.

17       ~~((3))~~ (4) "Health care practitioner" means an individual or  
18 firm licensed or certified to engage actively in a regulated health  
19 profession.

20       ~~((4))~~ (5) "Health care services" means those services provided  
21 by health professionals licensed pursuant to RCW 18.120.020(4).

22       ~~((5))~~ (6) "Health profession" means those licensed or regulated  
23 professions set forth in RCW 18.120.020(4).

24       ~~((6))~~ (7) "Less restrictive alternative" means court-ordered  
25 treatment in a setting less restrictive than total confinement which  
26 satisfies the conditions set forth in RCW 71.09.092. A less  
27 restrictive alternative may not include placement in the community  
28 protection program as pursuant to RCW 71A.12.230.

29       ~~((7))~~ (8) "Likely to engage in predatory acts of sexual  
30 violence if not confined in a secure facility" means that the person  
31 more probably than not will engage in such acts if released  
32 unconditionally from detention on the sexually violent predator  
33 petition. Such likelihood must be evidenced by a recent overt act if  
34 the person is not totally confined at the time the petition is filed  
35 under RCW 71.09.030.

36       ~~((8))~~ (9) "Mental abnormality" means a congenital or acquired  
37 condition affecting the emotional or volitional capacity which  
38 predisposes the person to the commission of criminal sexual acts in a  
39 degree constituting such person a menace to the health and safety of  
40 others.

1       (~~(9)~~) (10) "Personality disorder" means an enduring pattern of  
2 inner experience and behavior that deviates markedly from the  
3 expectations of the individual's culture, is pervasive and  
4 inflexible, has onset in adolescence or early adulthood, is stable  
5 over time and leads to distress or impairment. Purported evidence of  
6 a personality disorder must be supported by testimony of a licensed  
7 forensic psychologist or psychiatrist.

8       (~~(10)~~) (11) "Predatory" means acts directed towards: (a)  
9 Strangers; (b) individuals with whom a relationship has been  
10 established or promoted for the primary purpose of victimization; or  
11 (c) persons of casual acquaintance with whom no substantial personal  
12 relationship exists.

13       (~~(11)~~) (12) "Prosecuting agency" means the prosecuting attorney  
14 of the county where the person was convicted or charged or the  
15 attorney general if requested by the prosecuting attorney, as  
16 provided in RCW 71.09.030.

17       (~~(12)~~) (13) "Recent overt act" means any act, threat, or  
18 combination thereof that has either caused harm of a sexually violent  
19 nature or creates a reasonable apprehension of such harm in the mind  
20 of an objective person who knows of the history and mental condition  
21 of the person engaging in the act or behaviors.

22       (~~(13)~~) (14) "Risk potential activity" or "risk potential  
23 facility" means an activity or facility that provides a higher  
24 incidence of risk to the public from persons conditionally released  
25 from the special commitment center. Risk potential activities and  
26 facilities include: Public and private schools, school bus stops,  
27 licensed day care and licensed preschool facilities, public parks,  
28 publicly dedicated trails, sports fields, playgrounds, recreational  
29 and community centers, churches, synagogues, temples, mosques, public  
30 libraries, public and private youth camps, and others identified by  
31 the department following the hearings on a potential site required in  
32 RCW 71.09.315. For purposes of this chapter, "school bus stops" does  
33 not include bus stops established primarily for public transit.

34       (~~(14)~~) (15) "Secretary" means the secretary of social and  
35 health services or the secretary's designee.

36       (~~(15)~~) (16) "Secure community transition facility" means a  
37 residential facility for persons civilly committed and conditionally  
38 released to a less restrictive alternative under this chapter. A  
39 secure community transition facility has supervision and security,  
40 and either provides or ensures the provision of sex offender

1 treatment services. Secure community transition facilities include  
2 but are not limited to the facility established pursuant to RCW  
3 71.09.250(1)(a)(i) and any community-based facilities established  
4 under this chapter and operated by the secretary or under contract  
5 with the secretary.

6 ~~((16))~~ (17) "Secure facility" means a residential facility for  
7 persons civilly confined under the provisions of this chapter that  
8 includes security measures sufficient to protect the community. Such  
9 facilities include total confinement facilities, secure community  
10 transition facilities, and any residence used as a court-ordered  
11 placement under RCW 71.09.096.

12 ~~((17))~~ (18) "Sexually violent offense" means an act committed  
13 on, before, or after July 1, 1990, that is: (a) An act defined in  
14 Title 9A RCW as rape in the first degree, rape in the second degree  
15 by forcible compulsion, rape of a child in the first or second  
16 degree, statutory rape in the first or second degree, indecent  
17 liberties by forcible compulsion, indecent liberties against a child  
18 under age fourteen, incest against a child under age fourteen, or  
19 child molestation in the first or second degree; (b) a felony offense  
20 in effect at any time prior to July 1, 1990, that is comparable to a  
21 sexually violent offense as defined in (a) of this subsection, or any  
22 federal or out-of-state conviction for a felony offense that under  
23 the laws of this state would be a sexually violent offense as defined  
24 in this subsection; (c) an act of murder in the first or second  
25 degree, assault in the first or second degree, assault of a child in  
26 the first or second degree, kidnapping in the first or second degree,  
27 burglary in the first degree, residential burglary, or unlawful  
28 imprisonment, which act, either at the time of sentencing for the  
29 offense or subsequently during civil commitment proceedings pursuant  
30 to this chapter, has been determined beyond a reasonable doubt to  
31 have been sexually motivated, as that term is defined in RCW  
32 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is  
33 an attempt, criminal solicitation, or criminal conspiracy to commit  
34 one of the felonies designated in (a), (b), or (c) of this  
35 subsection.

36 ~~((18))~~ (19) "Sexually violent predator" means any person who  
37 has been convicted of or charged with a crime of sexual violence and  
38 who suffers from a mental abnormality or personality disorder which  
39 makes the person likely to engage in predatory acts of sexual  
40 violence if not confined in a secure facility.

1       (~~(19)~~) (20) "Total confinement facility" means a secure  
2 facility that provides supervision and sex offender treatment  
3 services in a total confinement setting. Total confinement facilities  
4 include the special commitment center and any similar facility  
5 designated as a total confinement facility by the secretary.

6       (~~(20)~~) (21) "Treatment" means the sex offender specific  
7 treatment program at the special commitment center or a specific  
8 course of sex offender treatment pursuant to RCW 71.09.092 (1) and  
9 (2).

10       **Sec. 3.** RCW 71.09.080 and 2012 c 257 s 6 are each amended to  
11 read as follows:

12       (1) Any person subjected to restricted liberty as a sexually  
13 violent predator pursuant to this chapter shall not forfeit any legal  
14 right or suffer any legal disability as a consequence of any actions  
15 taken or orders made, other than as specifically provided in this  
16 chapter, or as otherwise authorized by law.

17       (2)(a) Any person committed or detained pursuant to this chapter  
18 shall be prohibited from possessing or accessing a personal computer  
19 if the resident's individualized treatment plan states that access to  
20 a computer is harmful to bringing about a positive response to a  
21 specific and certain phase or course of treatment.

22       (b) A person who is prohibited from possessing or accessing a  
23 personal computer under (a) of this subsection shall be permitted to  
24 access a limited functioning personal computer capable of word  
25 processing and limited data storage on the computer only that does  
26 not have: (i) Internet access capability; (ii) an optical drive,  
27 external drive, universal serial bus port, or similar drive  
28 capability; or (iii) the capability to display photographs, images,  
29 videos, or motion pictures, or similar display capability from any  
30 drive or port capability listed under (b)(ii) of this subsection.

31       (3) Any person committed pursuant to this chapter has the right  
32 to adequate care (~~and~~), individualized treatment, and the  
33 development of an ongoing, clinically appropriate discharge plan as  
34 part of the treatment process. The department of social and health  
35 services shall keep records detailing all medical, expert, and  
36 professional care and treatment received by a committed person, and  
37 shall keep copies of all reports of periodic examinations made  
38 pursuant to this chapter. All such records and reports shall be made  
39 available upon request only to: The committed person, his or her

1 attorney, the prosecuting agency, the court, the protection and  
2 advocacy agency, or another expert or professional person who, upon  
3 proper showing, demonstrates a need for access to such records.

4 (4) Individualized and ongoing discharge planning requires, at a  
5 minimum, and as part of a person's treatment plan, the following are  
6 addressed based on information known to the department:

7 (a) The resident's physical health, functioning, and any need for  
8 health aid devices;

9 (b) The resident's intellectual or cognitive level of functioning  
10 and need for specialized programming;

11 (c) The resident's history of substance use and abuse;

12 (d) The resident's known history of risky or impulsive behaviors,  
13 criminogenic needs, and treatment interventions to address them;

14 (e) The resident's ability to perform life skills and activities  
15 of daily living independently and the resident's need for any  
16 disability accommodations;

17 (f) A summary of the community services and supports the resident  
18 needs for a safe life in the community and the type of providers of  
19 such services and support; and

20 (g) A plan to mitigate the needs identified in this subsection  
21 that also addresses ways to develop or increase social supports,  
22 recreation opportunities, gainful employment, and if applicable,  
23 spiritual opportunities.

24 (5) At the time a person is taken into custody or transferred  
25 into a facility pursuant to a petition under this chapter, the  
26 professional person in charge of such facility or his or her designee  
27 shall take reasonable precautions to inventory and safeguard the  
28 personal property of the persons detained or transferred. A copy of  
29 the inventory, signed by the staff member making it, shall be given  
30 to the person detained and shall, in addition, be open to inspection  
31 to any responsible relative, subject to limitations, if any,  
32 specifically imposed by the detained person. For purposes of this  
33 subsection, "responsible relative" includes the guardian,  
34 conservator, attorney, spouse, parent, adult child, or adult brother  
35 or sister of the person. The facility shall not disclose the contents  
36 of the inventory to any other person without consent of the patient  
37 or order of the court.

38 ~~((+5))~~ (6) Nothing in this chapter prohibits a person presently  
39 committed from exercising a right presently available to him or her

1 for the purpose of obtaining release from confinement, including the  
2 right to petition for a writ of habeas corpus.

3 ~~((+6))~~ (7) No indigent person may be conditionally released or  
4 unconditionally discharged under this chapter without suitable  
5 clothing, and the secretary shall furnish the person with such sum of  
6 money as is required by RCW 72.02.100 for persons without ample funds  
7 who are released from correctional institutions. As funds are  
8 available, the secretary may provide payment to the indigent persons  
9 conditionally released pursuant to this chapter consistent with the  
10 optional provisions of RCW 72.02.100 and 72.02.110, and may adopt  
11 rules to do so.

12 ~~((+7))~~ (8) If a civil commitment petition is dismissed, or a  
13 trier of fact determines that a person does not meet civil commitment  
14 criteria, the person shall be released within twenty-four hours of  
15 service of the release order on the superintendent of the special  
16 commitment center, or later by agreement of the person who is the  
17 subject of the petition.

18 **Sec. 4.** RCW 71.09.090 and 2018 c 131 s 2 are each amended to  
19 read as follows:

20 (1) (a) If the secretary determines that the person's condition  
21 has so changed that ~~((either: (a) The))~~ the person no longer meets  
22 the definition of a sexually violent predator ~~((; or (b) conditional~~  
23 ~~release to a less restrictive alternative is in the best interest of~~  
24 ~~the person and conditions can be imposed that adequately protect the~~  
25 ~~community)),~~ the secretary shall authorize the person to petition the  
26 court for ~~((conditional release to a less restrictive alternative~~  
27 ~~or))~~ unconditional discharge. The petition shall be filed with the  
28 court and served upon the prosecuting agency responsible for the  
29 initial commitment. The court, upon receipt of the petition for  
30 ~~((conditional release to a less restrictive alternative or))~~  
31 unconditional discharge, shall within ~~((forty-five))~~ 45 days order a  
32 hearing.

33 (b) If the secretary determines that the person's condition has  
34 so changed that conditional release to a less restrictive alternative  
35 is in the best interest of the person and conditions can be imposed  
36 that adequately protect the community, then the secretary shall  
37 authorize the person to petition the court for conditional release to  
38 a less restrictive alternative. Upon receipt of the petition, the  
39 court shall order the department to, within 90 days, identify a less

1 restrictive alternative placement that satisfies RCW 71.09.092 (1)  
2 through (4). Once identified, notice of the placement shall be filed  
3 with the court and served upon the prosecuting agency responsible for  
4 the initial commitment as well as the person and his or her counsel.  
5 If the department cannot identify a placement available to the person  
6 that satisfies RCW 71.09.092 (1) through (4) within 90 days, the  
7 department shall provide a written certification to the court, the  
8 prosecuting agency responsible for the initial commitment, and the  
9 person and his or her counsel, detailing the efforts of the  
10 department to identify a qualifying placement. Upon the department's  
11 certification, the person may propose a placement that satisfies RCW  
12 71.09.092 (1) through (3). After a less restrictive placement has  
13 been proposed by either the department or the person, the court shall  
14 within 45 days order a hearing.

15 (2)(a) Nothing contained in this chapter shall prohibit the  
16 person from otherwise petitioning the court for conditional release  
17 to a less restrictive alternative or unconditional discharge without  
18 the secretary's approval. The secretary shall provide the committed  
19 person with an annual written notice of the person's right to  
20 petition the court for conditional release to a less restrictive  
21 alternative or unconditional discharge over the secretary's  
22 objection. The notice shall contain a waiver of rights. The secretary  
23 shall file the notice and waiver form and the annual report with the  
24 court. If the person does not affirmatively waive the right to  
25 petition, the court shall set a show cause hearing to determine  
26 whether probable cause exists to warrant a hearing on whether the  
27 person's condition has so changed that: (i) He or she no longer meets  
28 the definition of a sexually violent predator; or (ii) conditional  
29 release to a proposed less restrictive alternative would be in the  
30 best interest of the person and conditions can be imposed that would  
31 adequately protect the community.

32 (b)(i) The committed person shall have a right to have an  
33 attorney represent him or her at the show cause hearing, which may be  
34 conducted solely on the basis of affidavits or declarations, but the  
35 person is not entitled to be present at the show cause hearing. At  
36 the show cause hearing, the prosecuting agency shall present prima  
37 facie evidence establishing: (A) That the committed person continues  
38 to meet the definition of a sexually violent predator; and (B) that a  
39 less restrictive alternative is not in the best interest of the



1 person and conditions cannot be imposed that adequately protect the  
2 community.

3 (ii)(A) If the state produces prima facie evidence that the  
4 committed person continues to be a sexually violent predator, then  
5 the state's burden under (b)(i)(A) of this subsection is met and an  
6 unconditional release trial may not be ordered unless the committed  
7 person produces evidence satisfying: Subsection (4)(a) of this  
8 section; and subsection (4)(b) (i) or (ii) of this section.

9 (B) If the state produces prima facie evidence that a less  
10 restrictive alternative is not appropriate for the committed person,  
11 then the state's burden under (b)(i)(B) of this subsection is met,  
12 and a conditional release trial may not be ordered unless the  
13 committed person:

14 (I) Produces evidence satisfying: Subsection (4)(a) of this  
15 section; and subsection (4)(b) (i) or (ii) of this section; and

16 (II) Presents the court with a specific placement satisfying the  
17 requirements of RCW 71.09.092.

18 (iii) In making the showing required under (b)(i) of this  
19 subsection, the state may rely exclusively upon the annual report  
20 prepared pursuant to RCW 71.09.070. The committed person may present  
21 responsive affidavits or declarations to which the state may reply.

22 (c) (i) If the court at the show cause hearing determines that  
23 either: ~~((+i))~~ (A) The state has failed to present prima facie  
24 evidence that the committed person continues to meet the definition  
25 of a sexually violent predator ~~((and that no proposed less  
26 restrictive alternative is in the best interest of the person and  
27 conditions cannot be imposed that would adequately protect the  
28 community))~~; or ~~((+ii))~~ (B) probable cause exists to believe that  
29 the person's condition has so changed that ~~((:-(A) The))~~ the person no  
30 longer meets the definition of a sexually violent predator ~~((; or (B)  
31 release to a proposed less restrictive alternative would be in the  
32 best interest of the person and conditions can be imposed that would  
33 adequately protect the community))~~, then the court shall set a  
34 hearing on ~~((either or both issues))~~ the issue of unconditional  
35 discharge.

36 (ii) If the court at the show cause hearing determines that the  
37 state has failed to present prima facie evidence that no proposed  
38 less restrictive alternative is in the best interest of the person  
39 and conditions cannot be imposed that would adequately protect the  
40 community, the court shall enter an order directing the department to

1 propose a less restrictive alternative that satisfies RCW 71.09.092  
2 (1) through (4) within 90 days. If the department cannot identify a  
3 placement available to the person that satisfies RCW 71.09.092 (1)  
4 through (4) within 90 days, the department shall provide a written  
5 certification to the court, the prosecuting agency responsible for  
6 the initial commitment, and the person and his or her counsel,  
7 detailing the efforts of the department to identify a qualifying  
8 placement. Upon the department's certification, the person may  
9 propose a placement that satisfies RCW 71.09.092 (1) through (3).  
10 After a less restrictive placement has been proposed by either the  
11 department or the person, the court shall set a hearing on the issue  
12 of conditional release.

13 (iii) If the court at the show cause hearing determines, based on  
14 the evidence submitted by the person, that probable cause exists to  
15 believe that release to a less restrictive alternative would be in  
16 the best interest of the person and conditions can be imposed that  
17 would adequately protect the community, the court shall set a hearing  
18 on the issue of conditional release if the person presents the court  
19 with a specific placement that satisfies the requirements of RCW  
20 71.09.092.

21 (d) If the court has not previously considered the issue of  
22 release to a less restrictive alternative, either through a trial on  
23 the merits or through the procedures set forth in RCW 71.09.094(1),  
24 or if an immediately preceding less restrictive alternative was  
25 revoked due to the loss of adequate housing or treatment for reasons  
26 other than noncompliance with housing requirements, treatment, or  
27 other conditions of the less restrictive alternative, the court shall  
28 consider whether release to a less restrictive alternative would be  
29 in the best interests of the person and conditions can be imposed  
30 that would adequately protect the community, without considering  
31 whether the person's condition has changed. (~~The court may not find~~  
32 ~~probable cause for a trial addressing less restrictive alternatives~~  
33 ~~unless a proposed less restrictive alternative placement meeting the~~  
34 ~~conditions of RCW 71.09.092 is presented to the court at the show~~  
35 ~~cause hearing.))~~

36 (3)(a) At the hearing resulting from subsection (1) or (2) of  
37 this section, the committed person shall be entitled to be present  
38 and to the benefit of all constitutional protections that were  
39 afforded to the person at the initial commitment proceeding. The  
40 prosecuting agency shall represent the state and shall have a right

1 to a jury trial and to have the committed person evaluated by experts  
2 chosen by the state. The prosecuting agency shall have a right to a  
3 current evaluation of the person by experts chosen by the state. The  
4 judge may require the person to complete any or all of the following  
5 procedures or tests if requested by the evaluator: (i) A clinical  
6 interview; (ii) psychological testing; (iii) plethysmograph testing;  
7 and (iv) polygraph testing. The judge may order the person to  
8 complete any other procedures and tests relevant to the evaluation.  
9 The state is responsible for the costs of the evaluation. The  
10 committed person shall also have the right to a jury trial and the  
11 right to have experts evaluate him or her on his or her behalf and  
12 the court shall appoint an expert if the person is indigent and  
13 requests an appointment.

14 (b) Whenever any indigent person is subjected to an evaluation  
15 under (a) of this subsection, the office of public defense is  
16 responsible for the cost of one expert or professional person  
17 conducting an evaluation on the person's behalf. When the person  
18 wishes to be evaluated by a qualified expert or professional person  
19 of his or her own choice, such expert or professional person must be  
20 permitted to have reasonable access to the person for the purpose of  
21 such evaluation, as well as to all relevant medical and psychological  
22 records and reports. In the case of a person who is indigent, the  
23 court shall, upon the person's request, assist the person in  
24 obtaining an expert or professional person to perform an evaluation  
25 or participate in the hearing on the person's behalf. Nothing in this  
26 chapter precludes the person from paying for additional expert  
27 services at his or her own expense.

28 (c) If the issue at the hearing is whether the person should be  
29 unconditionally discharged, the burden of proof shall be upon the  
30 state to prove beyond a reasonable doubt that the committed person's  
31 condition remains such that the person continues to meet the  
32 definition of a sexually violent predator. Evidence of the prior  
33 commitment trial and disposition is admissible. The recommitment  
34 proceeding shall otherwise proceed as set forth in RCW 71.09.050 and  
35 71.09.060.

36 (d) If the issue at the hearing is whether the person should be  
37 conditionally released to a less restrictive alternative, the burden  
38 of proof at the hearing shall be upon the state to prove beyond a  
39 reasonable doubt that conditional release to any proposed less  
40 restrictive alternative either: (i) Is not in the best interest of

1 the committed person; or (ii) does not include conditions that would  
2 adequately protect the community. Evidence of the prior commitment  
3 trial and disposition is admissible.

4 (4) (a) Probable cause exists to believe that a person's condition  
5 has "so changed," under subsection (2) of this section, only when  
6 evidence exists, since the person's last commitment trial, or less  
7 restrictive alternative revocation proceeding, of a substantial  
8 change in the person's physical or mental condition such that the  
9 person either no longer meets the definition of a sexually violent  
10 predator or that a conditional release to a less restrictive  
11 alternative is in the person's best interest and conditions can be  
12 imposed to adequately protect the community.

13 (b) A new trial proceeding under subsection (3) of this section  
14 may be ordered, or a trial proceeding may be held, only when there is  
15 current evidence from a licensed professional of one of the following  
16 and the evidence presents a change in condition since the person's  
17 last commitment trial proceeding:

18 (i) An identified physiological change to the person, such as  
19 paralysis, stroke, or dementia, that renders the committed person  
20 unable to commit a sexually violent act and this change is permanent;  
21 or

22 (ii) A change in the person's mental condition brought about  
23 through positive response to continuing participation in treatment  
24 which indicates that the person meets the standard for conditional  
25 release to a less restrictive alternative or that the person would be  
26 safe to be at large if unconditionally released from commitment.

27 (c) For purposes of this section, a change in a single  
28 demographic factor, without more, does not establish probable cause  
29 for a new trial proceeding under subsection (3) of this section. As  
30 used in this section, a single demographic factor includes, but is  
31 not limited to, a change in the chronological age, marital status, or  
32 gender of the committed person.

33 (5) A court entering an order for unconditional discharge of a  
34 person from an immediately preceding less restrictive placement must  
35 transmit the order to the department of corrections for discharge  
36 process and termination of cause.

37 (6) The jurisdiction of the court over a person civilly committed  
38 pursuant to this chapter continues until such time as the person is  
39 unconditionally discharged.

1       (~~(6)~~) (7) During any period of confinement pursuant to a  
2 criminal conviction, or for any period of detention awaiting trial on  
3 criminal charges, this section is suspended.

4       **Sec. 5.** RCW 71.09.092 and 2009 c 409 s 9 are each amended to  
5 read as follows:

6       Before the court may enter an order directing conditional release  
7 to a less restrictive alternative, it must find the following: (1)  
8 The person will be treated by a treatment provider who is qualified  
9 to provide such treatment in the state of Washington under chapter  
10 18.155 RCW; (2) the treatment provider has presented a specific  
11 course of treatment and has agreed to assume responsibility for such  
12 treatment and will report progress to the court on a regular basis,  
13 and will report violations immediately to the court, the prosecutor,  
14 the supervising community corrections officer, and the superintendent  
15 of the special commitment center; (3) housing exists in Washington  
16 that is sufficiently secure to protect the community, and the person  
17 or agency providing housing to the conditionally released person has  
18 agreed in writing to accept the person, to provide the level of  
19 security required by the court, and immediately to report to the  
20 court, the prosecutor, the supervising community corrections officer,  
21 and the superintendent of the special commitment center if the person  
22 leaves the housing to which he or she has been assigned without  
23 authorization; (4) if the department has proposed housing that is  
24 outside of the county of commitment, a documented effort was made by  
25 the department to ensure that placement is consistent with fair share  
26 principles of release; (5) the person is willing to comply with the  
27 treatment provider and all requirements imposed by the treatment  
28 provider and by the court; and (~~(5)~~) (6) the person will be under  
29 the supervision of the department of corrections and is willing to  
30 comply with supervision requirements imposed by the department of  
31 corrections.

32       **Sec. 6.** RCW 71.09.096 and 2015 c 278 s 3 are each amended to  
33 read as follows:

34       (1) If the court or jury determines that conditional release to a  
35 less restrictive alternative is in the best interest of the person  
36 and includes conditions that would adequately protect the community,  
37 and the court determines that the minimum conditions set forth in RCW

1 71.09.092 and in this section are met, the court shall enter judgment  
2 and direct a conditional release.

3 (2) The court shall impose any additional conditions necessary to  
4 ensure compliance with treatment and to protect the community. If the  
5 court finds that conditions do not exist that will both ensure the  
6 person's compliance with treatment and protect the community, then  
7 the person shall be remanded to the custody of the department of  
8 social and health services for control, care, and treatment in a  
9 secure facility as designated in RCW 71.09.060(1).

10 (3) If the service provider designated by the court to provide  
11 inpatient or outpatient treatment or to monitor or supervise any  
12 other terms and conditions of a person's placement in a less  
13 restrictive alternative is other than the department of social and  
14 health services or the department of corrections, then the service  
15 provider so designated must agree in writing to provide such  
16 treatment, monitoring, or supervision in accord with this section.  
17 Any person providing or agreeing to provide treatment, monitoring, or  
18 supervision services pursuant to this chapter may be compelled to  
19 testify and any privilege with regard to such person's testimony is  
20 deemed waived.

21 (4) (a) Prior to authorizing any release to a less restrictive  
22 alternative, the court shall impose such conditions upon the person  
23 as are necessary to ensure the safety of the community. In imposing  
24 conditions upon a person whose sex offense history includes one or  
25 more victims under the age of 18, the court must consider whether it  
26 is necessary to impose a restriction on the proximity of the person's  
27 residence to public or private schools providing instruction to  
28 kindergarten or any grades one through 12 in accordance with RCW  
29 72.09.340. The court shall order the department of corrections to  
30 investigate the less restrictive alternative and, within 60 days of  
31 the order to investigate, recommend any additional conditions to the  
32 court. These conditions shall be individualized to address the  
33 person's specific risk factors and criminogenic needs and may  
34 include, but are not limited to the following: Specification of  
35 residence or restrictions on residence, specification of contact with  
36 a reasonable number of individuals upon the person's request who are  
37 verified by the department of corrections to be appropriate social  
38 contacts, prohibition of contact with potential or past victims,  
39 prohibition of alcohol and other drug use, participation in a  
40 specific course of inpatient or outpatient treatment that may include

1 monitoring by the use of polygraph and plethysmograph, monitoring  
2 through the use of global positioning (~~satellite [global positioning~~  
3 ~~system]~~) system technology, supervision by a department of  
4 corrections community corrections officer, a requirement that the  
5 person remain within the state unless the person receives prior  
6 authorization by the court, and any other conditions that the court  
7 determines are in the best interest of the person or others. A copy  
8 of the conditions of release shall be given to the person and to any  
9 designated service providers.

10 (b) To the greatest extent possible, the person, person's  
11 counsel, prosecuting agency responsible for the initial commitment,  
12 treatment provider, supervising community corrections officer, and  
13 appropriate clinical staff of the special commitment center shall  
14 meet and collaborate to craft individualized, narrowly tailored, and  
15 empirically based conditions to present to the court to help  
16 facilitate the person's successful transition to the community.

17 (5) (a) Prior to authorizing release to a less restrictive  
18 alternative proposed by the department, the court shall consider  
19 whether (~~it is appropriate to release the person to the person's~~  
20 ~~county of commitment~~) the person's less restrictive alternative  
21 placement is in accordance with fair share principles. To ensure  
22 equitable distribution of releases, and prevent the disproportionate  
23 grouping of persons subject to less restrictive orders in any one  
24 county, or in any one jurisdiction or community within a county, the  
25 legislature finds it is appropriate for releases to a less  
26 restrictive alternative to occur in (~~the person's county of~~  
27 ~~commitment, unless~~) a manner that adheres to fair share principles.  
28 The legislature recognizes that there may be reasons why the  
29 department may not recommend that a person be released to his or her  
30 county of commitment, including availability of individualized  
31 resources, the person's support needs, or when the court determines  
32 that the person's return to his or her county of commitment would be  
33 inappropriate considering any court-issued protection orders, victim  
34 safety concerns that cannot be addressed through use of global  
35 positioning system technology, the ((availability)) unavailability of  
36 appropriate treatment or facilities that would adequately protect the  
37 community, negative influences on the person, ((~~or~~)) and the location  
38 of family or other persons or organizations offering support to the  
39 person. If the court authorizes conditional release based on the  
40 department's proposal to a county other than the county of

1 commitment, the court shall enter specific findings regarding its  
2 decision and identify whether the release remains in line with fair  
3 share principles.

4 (b) (i) When the department ((or court assists in developing a))  
5 develops a less restrictive alternative placement under this section  
6 ((which is outside of the county of commitment, and there are two or  
7 more options for placement, it shall endeavor to develop the  
8 placement in a manner that does not have a disproportionate effect on  
9 a single county)), it shall attempt to identify a placement  
10 satisfying the requirements of RCW 71.09.092 that is aligned with  
11 fair share principles. The department shall document its rationale  
12 for the recommended placement.

13 (ii) If the department does not support or recommend conditional  
14 release to a less restrictive alternative due to a clinical  
15 determination, the department shall document its objection and  
16 certify that the department is developing the less restrictive  
17 alternative pursuant to a court order and not because of a clinical  
18 determination.

19 ((b)) (c) If the committed person is not conditionally released  
20 to his or her county of commitment, the department shall provide the  
21 law and justice council of the county in which the person is  
22 conditionally released with notice and a written explanation,  
23 including whether the department remains in compliance with fair  
24 share principles regarding releases under this chapter.

25 ((e)) (d) For purposes of this section, the person's county of  
26 commitment means the county of the court which ordered the person's  
27 commitment.

28 ((d)) (e) This subsection (5) does not apply to releases to a  
29 secure community transition facility under RCW 71.09.250.

30 (6) (a) When ordered by the court, the department must provide  
31 less restrictive alternative treatment that includes, at a minimum:

32 (i) The services identified in the person's discharge plan as  
33 outlined in RCW 71.09.080(4);

34 (ii) The assignment of a community care coordinator;

35 (iii) Regular contacts with providers of court-ordered treatment  
36 services;

37 (iv) Community escorts, if needed;

38 (v) A transition plan that addresses the person's access to  
39 continued services upon unconditional discharge;

40 (vi) Financial support for necessary housing;



1 (vii) Life skills training and disability accommodations, if  
2 needed; and

3 (viii) Assistance in pursuing benefits, education, and  
4 employment.

5 (b) At the time the department of corrections is ordered to  
6 investigate a proposed less restrictive alternative placement,  
7 subject to the availability of amounts appropriated for this specific  
8 purpose, the department shall assign a social worker to assist the  
9 person with discharge planning, pursuing benefits, and coordination  
10 of care prior to release.

11 (i) The social worker shall assist the person with completing  
12 applications for benefits prior to the person's release from total  
13 confinement.

14 (ii) To promote continuity of care and the individual's success  
15 in the community, the department social worker shall be responsible  
16 for initiating a clinical transition of care between the last  
17 treating clinician at the special commitment center and the person's  
18 designated community treatment provider. This transition between one  
19 clinical setting to another shall occur no later than 15 days before  
20 an individual's release from the special commitment center.

21 (iii) If applicable, the social worker shall assist the person  
22 with locating any needed disability accommodations in the community  
23 and with obtaining resources to help address the person's identified  
24 life skills needs prior to release from total confinement.

25 (7) Any service provider designated to provide inpatient or  
26 outpatient treatment shall monthly, or as otherwise directed by the  
27 court, submit to the court, to the department of social and health  
28 services facility from which the person was released, to the  
29 prosecuting agency, and to the supervising community corrections  
30 officer, a report stating whether the person is complying with the  
31 terms and conditions of the conditional release to a less restrictive  
32 alternative.

33 ~~((7))~~ (8) Each person released to a less restrictive  
34 alternative shall have his or her case reviewed by the court that  
35 released him or her no later than one year after such release and  
36 annually thereafter until the person is unconditionally discharged.  
37 Review may occur in a shorter time or more frequently, if the court,  
38 in its discretion on its own motion, or on motion of the person, the  
39 secretary, or the prosecuting agency so determines. The ~~((sole~~  
40 ~~question))~~ questions to be determined by the court ~~((is))~~ are whether

1 the person shall continue to be conditionally released to a less  
2 restrictive alternative, and if so, whether a modification to the  
3 person's less restrictive alternative order is appropriate to ensure  
4 the conditional release remains in the best interest of the person  
5 and adequate to protect the community. The court in making its  
6 determination shall be aided by the periodic reports filed pursuant  
7 to subsection ~~((+6))~~ (7) of this section and the opinions of the  
8 secretary and other experts or professional persons.

9 **Sec. 7.** RCW 71.09.130 and 1995 c 216 s 16 are each amended to  
10 read as follows:

11 (1) In the event of an escape by a person committed under this  
12 chapter from a state institution or the disappearance of such a  
13 person while on conditional release, the superintendent or community  
14 corrections officer shall notify the following as appropriate: Local  
15 law enforcement officers, other governmental agencies, the person's  
16 relatives, and any other appropriate persons about information  
17 necessary for the public safety or to assist in the apprehension of  
18 the person.

19 (2) If a person committed under this chapter disappears while on  
20 conditional release, the department of corrections may enter a  
21 warrant for the person's arrest for up to 72 hours pending entry of a  
22 bench warrant by the court.

23 **Sec. 8.** RCW 71.09.140 and 2012 c 257 s 12 are each amended to  
24 read as follows:

25 (1) (a) At the earliest possible date, and in no event later than  
26 ~~((thirty))~~ 30 days before conditional release, change of address for  
27 a person on conditional release, or unconditional discharge, except  
28 in the event of escape, the department of social and health services  
29 shall send written notice of conditional release, unconditional  
30 discharge, or escape, to the following:

31 ~~((+a))~~ (i) The chief of police of the city, if any, in which the  
32 person will reside or in which placement will be made under a less  
33 restrictive alternative;

34 ~~((+b))~~ (ii) The sheriff of the county in which the person will  
35 reside or in which placement will be made under a less restrictive  
36 alternative; and

1       (~~(e)~~) (iii) The sheriff of the county where the person was last  
2 convicted of a sexually violent offense, if the department does not  
3 know where the person will reside.

4       The department shall notify the state patrol of the release of  
5 all sexually violent predators and that information shall be placed  
6 in the Washington crime information center for dissemination to all  
7 law enforcement.

8       (b) A return to total confinement or to a secure community  
9 transition facility pending revocation or modification proceedings is  
10 not considered a change of address for purposes of (a) of this  
11 subsection, and an additional community notification process is not  
12 required, unless conditional release is revoked under RCW 71.09.098  
13 or the return lasts longer than one year.

14       (2) The same notice as required by subsection (1) of this section  
15 shall be sent to the following if such notice has been requested in  
16 writing about a specific person found to be a sexually violent  
17 predator under this chapter:

18       (a) The victim or victims of any sexually violent offenses for  
19 which the person was convicted in the past or the victim's next of  
20 kin if the crime was a homicide. "Next of kin" as used in this  
21 section means a person's spouse, parents, siblings, and children;

22       (b) Any witnesses who testified against the person in his or her  
23 commitment trial under RCW 71.09.060; and

24       (c) Any person specified in writing by the prosecuting agency.

25       Information regarding victims, next of kin, or witnesses  
26 requesting the notice, information regarding any other person  
27 specified in writing by the prosecuting agency to receive the notice,  
28 and the notice are confidential and shall not be available to the  
29 committed person.

30       (3) If a person committed as a sexually violent predator under  
31 this chapter escapes from a department of social and health services  
32 facility, the department shall immediately notify, by the most  
33 reasonable and expedient means available, the chief of police of the  
34 city and the sheriff of the county in which the committed person  
35 resided immediately before his or her commitment as a sexually  
36 violent predator, or immediately before his or her incarceration for  
37 his or her most recent offense. If previously requested, the  
38 department shall also notify the witnesses and the victims of the  
39 sexually violent offenses for which the person was convicted in the  
40 past or the victim's next of kin if the crime was a homicide. If the

1 person is recaptured, the department shall send notice to the persons  
2 designated in this subsection as soon as possible but in no event  
3 later than two working days after the department learns of such  
4 recapture.

5 (4) If the victim or victims of any sexually violent offenses for  
6 which the person was convicted in the past or the victim's next of  
7 kin, or any witness is under the age of (~~sixteen~~) 16, the notice  
8 required by this section shall be sent to the parents or legal  
9 guardian of the child.

10 (5) The department of social and health services shall send the  
11 notices required by this chapter to the last address provided to the  
12 department by the requesting party. The requesting party shall  
13 furnish the department with a current address.

14 (6) Nothing in this section shall impose any liability upon a  
15 chief of police of a city or sheriff of a county for failing to  
16 request in writing a notice as provided in subsection (1) of this  
17 section.

18 **Sec. 9.** RCW 71.09.250 and 2003 c 216 s 3 are each amended to  
19 read as follows:

20 (1)(a) The secretary is authorized to site, construct, occupy,  
21 and operate (i) a secure community transition facility on McNeil  
22 Island for persons authorized to petition for a less restrictive  
23 alternative under RCW 71.09.090(1) and who are conditionally  
24 released; and (ii) a special commitment center on McNeil Island with  
25 up to four hundred four beds as a total confinement facility under  
26 this chapter, subject to appropriated funding for those purposes. The  
27 secure community transition facility shall be authorized for the  
28 number of beds needed to ensure compliance with the orders of the  
29 superior courts under this chapter and the federal district court for  
30 the western district of Washington. The total number of beds in the  
31 secure community transition facility shall be limited to (~~twenty-~~  
32 ~~four~~) 24, consisting of up to (~~fifteen~~) 15 transitional beds and  
33 up to nine pretransitional beds. The residents occupying the  
34 transitional beds shall be the only residents eligible for  
35 transitional services occurring in Pierce county. In no event shall  
36 more than (~~fifteen~~) 15 residents of the secure community transition  
37 facility be participating in off-island transitional, educational, or  
38 employment activity at the same time in Pierce county. The department  
39 shall provide the Pierce county sheriff, or his or her designee, with

1 a list of the (~~fifteen~~) 15 residents so designated, along with  
2 their photographs and physical descriptions, and the list shall be  
3 immediately updated whenever a residential change occurs. The Pierce  
4 county sheriff, or his or her designee, shall be provided an  
5 opportunity to confirm the residential status of each resident  
6 leaving McNeil Island.

7 (b) For purposes of this subsection, "transitional beds" means  
8 beds only for residents who are judged by a qualified expert to be  
9 suitable to leave the island for treatment, education, and  
10 employment.

11 (2)(a) The secretary is authorized to site, either within the  
12 secure community transition facility established pursuant to  
13 subsection (1)(a)(i) of this section, or within the special  
14 commitment center, up to nine pretransitional beds.

15 (b) Residents assigned to pretransitional beds shall not be  
16 permitted to leave McNeil Island for education, employment,  
17 treatment, or community activities in Pierce county.

18 (c) For purposes of this subsection, "pretransitional beds" means  
19 beds for residents whose progress toward a less secure residential  
20 environment and transition into more complete community involvement  
21 is projected to take substantially longer than a typical resident of  
22 the special commitment center.

23 (3) Notwithstanding RCW 36.70A.103 or any other law, this statute  
24 preempts and supersedes local plans, development regulations,  
25 permitting requirements, inspection requirements, and all other laws  
26 as necessary to enable the secretary to site, construct, occupy, and  
27 operate a secure community transition facility on McNeil Island and a  
28 total confinement facility on McNeil Island.

29 (4) To the greatest extent possible, until June 30, 2003, persons  
30 who were not civilly committed from the county in which the secure  
31 community transition facility established pursuant to subsection (1)  
32 of this section is located may not be conditionally released to a  
33 setting in that same county less restrictive than that facility.

34 (5) As of June 26, 2001, the state shall immediately cease any  
35 efforts in effect on such date to site secure community transition  
36 facilities, other than the facility authorized by subsection (1) of  
37 this section, and shall instead site such facilities in accordance  
38 with the provisions of this section.

39 (6) The department must:

1 (a) Identify the minimum and maximum number of secure community  
2 transition facility beds in addition to the facility established  
3 under subsection (1) of this section that may be necessary for the  
4 period of May 2004 through May 2007 and provide notice of these  
5 numbers to all counties by August 31, 2001; and

6 (b) Develop and publish policy guidelines for the siting and  
7 operation of secure community transition facilities.

8 (7)(a) The total number of secure community transition facility  
9 beds that may be required to be sited in a county between June 26,  
10 2001, and June 30, 2008, may be no greater than the total number of  
11 persons civilly committed from that county, or detained at the  
12 special commitment center under a pending civil commitment petition  
13 from that county where a finding of probable cause had been made on  
14 April 1, 2001. The total number of secure community transition  
15 facility beds required to be sited in each county between July 1,  
16 2008, and June 30, 2015, may be no greater than the total number of  
17 persons civilly committed from that county or detained at the special  
18 commitment center under a pending civil commitment petition from that  
19 county where a finding of probable cause had been made as of July 1,  
20 2008.

21 (b) Counties and cities that provide secure community transition  
22 facility beds above the maximum number that they could be required to  
23 site under this subsection are eligible for a bonus grant under the  
24 incentive provisions in RCW 71.09.255. The county where the special  
25 commitment center is located shall receive this bonus grant for the  
26 number of beds in the facility established in subsection (1) of this  
27 section in excess of the maximum number established by this  
28 subsection.

29 (c) No secure community transition facilities in addition to the  
30 one established in subsection (1) of this section may be required to  
31 be sited in the county where the special commitment center is located  
32 until after June 30, 2008, provided however, that the county and its  
33 cities may elect to site additional secure community transition  
34 facilities and shall be eligible under the incentive provisions of  
35 RCW 71.09.255 for any additional facilities meeting the requirements  
36 of that section.

37 (8) The state is authorized to site and operate secure community  
38 transition facilities and other conditional release and transitional  
39 facilities in any county in the state. In identifying potential  
40 counties and sites within a county for the location of a secure

1 community transition facility or other conditional release and  
2 transitional facilities, the department shall work with and assist  
3 local governments to provide for the equitable distribution of such  
4 facilities. In coordinating and deciding upon the siting of secure  
5 community transition facilities or other conditional release and  
6 transitional facilities within a county, great weight shall be given  
7 by the county and cities within the county to:

8 (a) The number and location of existing residential facility beds  
9 operated by the department of corrections or the mental health  
10 division of the department of social and health services in each  
11 jurisdiction in the county; and

12 (b) The number of registered sex offenders classified as level II  
13 or level III and the number of sex offenders registered as homeless  
14 residing in each jurisdiction in the county.

15 (9) (a) "Equitable distribution" means siting or locating secure  
16 community transition facilities and other conditional release and  
17 transitional facilities in a manner that will not cause a  
18 disproportionate grouping of similar facilities either in any one  
19 county, or in any one jurisdiction or community within a county, as  
20 relevant; and

21 (b) "Jurisdiction" means a city, town, or geographic area of a  
22 county in which distinct political or judicial authority may be  
23 exercised.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter 71.09  
25 RCW to read as follows:

26 To facilitate the equitable geographic distribution of  
27 conditional releases under this chapter, the department shall notify  
28 the secretary of health, or the secretary's designee, whenever a sex  
29 offender treatment provider in an underserved county has been  
30 contracted to provide treatment services to persons on conditional  
31 release under this chapter, in which case the secretary of health  
32 shall waive any fees for the initial issue, renewal, and reissuance  
33 of a credential for the provider under chapter 18.155 RCW. An  
34 "underserved county" is any county identified by the department as  
35 having an inadequate supply of qualified sex offender treatment  
36 providers to achieve equitable geographic distribution of conditional  
37 releases under this chapter.

1        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 71.09  
2    RCW to read as follows:

3        To facilitate the primary role of the department in identifying  
4    less restrictive alternative placements under RCW 71.09.090 and  
5    discharge planning under RCW 71.09.080, subject to the availability  
6    of amounts appropriated for this specific purpose, the department  
7    shall conduct a study to explore the development of conditional  
8    release and transition facilities, which may include community-based  
9    state-operated living alternatives similar to the state-operated  
10   living alternative program operated by the developmental disabilities  
11   administration. Any facilities or placements developed under this  
12   section may be identified through a request for proposal process or  
13   through direct state acquisition and development. Any contracts with  
14   facilities or placements entered into under this section shall  
15   include a provision requiring oversight by the department to ensure  
16   the programs are operating appropriately.

17       NEW SECTION.    **Sec. 12.**    A new section is added to chapter 71.09  
18    RCW to read as follows:

19        (1) In accordance with RCW 71.09.090 and 71.09.096, the  
20    department shall have the primary responsibility for developing a  
21    less restrictive alternative placement. To ensure the department has  
22    sufficient less restrictive alternative placements to choose from  
23    that satisfy the requirements of RCW 71.09.092, subject to the  
24    availability of amounts appropriated for this specific purpose, the  
25    department shall use a request for proposal process to solicit and  
26    contract with housing and treatment providers from across the state  
27    and facilitate fair share principles among the counties. In order to  
28    increase the number of housing options for individuals qualifying for  
29    a less restrictive alternative, the department shall have oversight  
30    of the vendors and providers who contract with the state, including  
31    the authority to inspect and ensure compliance, negotiate the rates  
32    charged for services, ensure adequate living conditions of housing  
33    locations, and terminate contracts. The department shall maintain a  
34    statewide accounting of the contracted community housing and  
35    treatment providers in each county and provide a biannual report to  
36    the legislature and governor by December 1st on the availability and  
37    adequacy of less restrictive alternative placements and the  
38    department's compliance with fair share principles.



1 (2) To facilitate its duties required under this section, the  
2 department shall use the following housing matrix and considerations  
3 as a guide to planning and developing less restrictive alternative  
4 placements. The following considerations may not be used as a reason  
5 to deny a less restrictive alternative placement.

6 (a) Considerations for evaluating a proposed vendor's application  
7 for less restrictive alternative housing services shall include  
8 general housing requirements, availability of public services, and  
9 other considerations.

10 (i) General housing requirements include running water,  
11 electricity, bedroom and living space of adequate size, and no mold  
12 or infestations.

13 (ii) Availability of public services include availability of  
14 chaperones and whether the placement is within a reasonable distance  
15 to a grocery store, bank, public transportation options, and offices  
16 for public services and benefits.

17 (iii) Other considerations include whether the placement is  
18 consistent with fair share principles across the counties, whether  
19 the placement is within reasonable distance to other current or  
20 planned components of the less restrictive alternative, whether the  
21 placement is within reasonable distance to employment opportunities,  
22 and the reliability of global positioning system technology.

23 (b) Factors for evaluating less restrictive alternative options  
24 for a specific individual include sex offender treatment  
25 considerations, criminogenic needs and risk factors, protective  
26 factors, and the specific needs of the client.

27 (i) Sex offender treatment considerations include whether the  
28 housing is within a reasonable distance from the treatment provider,  
29 whether the treatment provider is a good therapeutic match with the  
30 client, and whether the treatment provider has relevant experience  
31 and background to treat the client if the client has special needs.

32 (ii) Criminogenic needs and risk factors include consideration of  
33 the person's specific needs and risk factors in evaluating less  
34 restrictive alternative options.

35 (iii) Protective factors include whether housing is within a  
36 reasonable distance of family, friends, potential hobbies, potential  
37 employment, and educational opportunities.

38 (iv) Consideration of the client's specific needs includes  
39 assessing the availability of personal care assistance and in-home  
40 care assistance, and whether housing is within a reasonable distance

1 of mental health, medical treatment options, and substance use  
2 disorder treatment options.

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 71.09  
4 RCW to read as follows:

5 (1) The department shall enter into a memorandum of understanding  
6 with the department of licensing to allow residents in total  
7 confinement at the special commitment center to obtain a state  
8 identification card through a written identification verification  
9 letter completed by the special commitment center and delivered to  
10 the department of licensing.

11 (2) The process shall occur upon the person's initial detention  
12 at the special commitment center. The process shall reoccur when the  
13 person's state identification card expires.

14 NEW SECTION. **Sec. 14.** A new section is added to chapter 71.09  
15 RCW to read as follows:

16 (1) Subject to the availability of amounts appropriated for this  
17 specific purpose, the department, the sex offender policy board, and  
18 department of health shall convene a work group to develop  
19 recommendations to increase the availability and quality of sex  
20 offender treatment providers to meet the growing number of persons  
21 qualifying for conditional release to a less restrictive alternative.  
22 The work group shall gather data on best practices in other states  
23 and make recommendations whether sex offender treatment providers  
24 should be required to contract with the department; whether annual or  
25 biannual trainings by the department should be mandatory for  
26 prospective and existing sex offender treatment providers; whether  
27 the department should provide competitive wages for services or pay  
28 that is commensurate with the years of experience or education level  
29 of the treatment provider; and whether the department should provide  
30 other incentives such as a cost-of-living pay increase or  
31 compensating providers for the cost of mandated trainings associated  
32 with the sex offender treatment provider license under chapter 18.155  
33 RCW. A report shall be submitted to the legislature by December 1,  
34 2021.

35 (2) This section expires June 30, 2022.

36 NEW SECTION. **Sec. 15.** A new section is added to chapter 71.09  
37 RCW to read as follows:

1           (1) In accordance with RCW 9.94A.8673, the sex offender policy  
2 board shall meet quarterly during the 2021-2023 biennium to continue  
3 its review of sexually violent predators and less restrictive  
4 alternative policies and best practices, collaborate with  
5 stakeholders and the department, provide outreach to providers and  
6 stakeholders, and monitor implementation of this act. The board shall  
7 also explore and make recommendations whether to continue or remove  
8 the prohibition on a less restrictive alternative from including a  
9 placement in the community protection program pursuant to RCW  
10 71A.12.230. The board shall provide semiannual updates to the  
11 appropriate committees of the legislature during the 2021-2023  
12 biennium.

13           (2) This section expires June 30, 2023.

14           NEW SECTION.   **Sec. 16.** A new section is added to chapter 9.94A  
15 RCW to read as follows:

16           (1) In accordance with section 15 of this act, the sex offender  
17 policy board shall meet quarterly during the 2021-2023 biennium to  
18 continue its review of sexually violent predators and less  
19 restrictive alternative policies and best practices, collaborate with  
20 stakeholders and the department, provide outreach to providers and  
21 stakeholders, and monitor implementation of this act. The board shall  
22 provide semiannual updates to the appropriate committees of the  
23 legislature during the 2021-2023 biennium.

24           (2) This section expires June 30, 2023.

--- END ---