
Community Safety Committee

HB 1091

Brief Description: Concerning sexually violent predators' ineligibility to earn supervision compliance credit.

Sponsors: Representatives Couture, Leavitt, Schmidt and Low.

Brief Summary of Bill

- Prohibits a person from earning supervision compliance credit on any cause served concurrently with a less restrictive alternative subject to supervision by the Department of Corrections as part of the person's civil commitment as a sexually violent predator.

Hearing Date: 1/14/25

Staff: Corey Patton (786-7388).

Background:

Community Custody.

Community custody is the portion of a person's criminal sentence served in the community under the supervision of the Department of Corrections (DOC) following the person's release from confinement. Courts are required to order community custody for persons convicted of certain offenses. Alternatively, a person convicted of certain offenses may qualify for a special sentencing alternative, where the person receives a reduced or waived term of confinement and instead serves a longer term of community custody.

A person in community custody is subject to conditions imposed by the DOC and the court. The DOC may establish and modify the person's conditions of community custody based on risks to community safety, and issue an arrest warrant if the person violates those conditions. A person

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who violates conditions of community custody may be subject to sanctions depending on the type of violation, the underlying offense, and other conditions.

Supervision Compliance Credit.

A person may earn supervision compliance credit to reduce the period of time the person is required to serve in community custody. Supervision compliance credit is awarded for complying with supervision terms and making progress towards the goals of an individualized supervision case plan, including:

- participating in specific targeted interventions, risk-related programming, or treatment; and
- completing steps towards specific, targeted goals that enhance protective factors and stability.

Certain persons do not qualify for supervision compliance credit, including any person completing community custody as part of a sentencing alternative, any person released and currently being supervised by the Indeterminate Sentence Review Board, and any person subject to supervision under the Interstate Compact for Adult Offender Supervision.

Civil Commitment of Sexually Violent Predators.

A sexually violent predator (SVP) is a person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility. A prosecutor may petition for indefinite civil commitment of a person as an SVP when the person is pending release from a state correctional facility, among other circumstances. A person found to be an SVP must be placed in the custody of the Department of Social and Health Services (DSHS) for control, care, and treatment at the Special Commitment Center on McNeil Island.

If an SVP's condition changes such that conditional release to a less restrictive alternative (LRA) is in the best interest of the person and conditions can be imposed that adequately protect the community, then the DSHS must authorize the person to petition the court. An SVP may also petition the court without the DSHS's approval. A petition for conditional release to an LRA must include a proposed placement plan with a residence, treatment plan, and other conditions. The court must make certain findings before granting an SVP a conditional release to an LRA, including that the person will be under the DOC's supervision and is willing to comply with supervision requirements.

Summary of Bill:

A person may not earn supervision compliance credit on any cause served concurrently with a less restrictive alternative subject to supervision by the Department of Corrections as part of the person's civil commitment as a sexually violent predator.

Appropriation: None.

Fiscal Note: Requested on January 8, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.