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## Community Safety Committee

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### HB 1457

**Brief Description:** Requiring electronic monitoring of sexually violent predators granted conditional release.

**Sponsors:** Representatives Griffey, Couture, Burnett, Graham, Leavitt, Davis, Caldier, Jacobsen, Klicker, Eslick and Simmons.

Brief Summary of Bill
<ul style="list-style-type: none"><li>Requires the court to impose electronic monitoring that, to the extent feasible, has specified tracking and notification capabilities prior to authorizing a person's conditional release to a less restrictive alternative.</li></ul>



**Hearing Date:** 2/4/25

**Staff:** Corey Patton (786-7388).

**Background:**

A sexually violent predator (SVP) is a person who has been convicted of, found not guilty by reason of insanity of, or found incompetent to stand trial for a crime of sexual violence, and who suffers from a mental abnormality or personality disorder that 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 about to be released from a state correctional facility, among other circumstances. If found to be an SVP, the person is committed to the custody of the Department of Social and Health Services (DSHS) for control, care, and treatment at the Special Commitment Center on McNeil Island.

The DSHS must conduct an annual examination of the mental condition of each person civilly committed as an SVP to determine whether the person's condition has changed. If the person's

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condition has changed such that the person no longer meets the criteria of an SVP, or that conditional release 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 for unconditional discharge or conditional release. The person may also petition the court for unconditional discharge or conditional release without the DSHS's approval. A conditional release may be to a community-based less restrictive alternative (LRA) placement or a secure community transition facility (SCTF) operated by or under contract with the DSHS.

Prior to authorizing a person's conditional release to an LRA, the court must impose conditions upon the person as are necessary to ensure the safety of the community, including by imposing a minimum distance restriction of 500 feet on the proximity of the person's residence to child care facilities and public or private schools providing instruction to kindergarten or any grades one through 12. The court must also order the Department of Corrections (DOC) to investigate the LRA placement and, within 60 days of the order to investigate, recommend any additional conditions to the court.

The conditions imposed must be individualized to address the person's specific risk factors and criminogenic needs, and may include, but are not limited to, the following:

- specification of residence or restrictions on residence, including distance restrictions;
- specification of contact with a reasonable number of individuals upon the person's request who are verified by the DOC to be appropriate social contacts;
- prohibition of contact with potential or past victims;
- prohibition of alcohol and other drug use;
- participation in a specific course of inpatient or outpatient treatment that may include monitoring by the use of polygraph and plethysmograph;
- monitoring through the use of global positioning system technology;
- supervision by a DOC community corrections officer;
- a requirement that the person remain within the state unless the person receives prior authorization by the court; and
- any other conditions that the court determines are in the best interest of the person or others.

If the court finds that conditions do not exist that will ensure compliance with treatment and protect the community, then the person must be remanded to the DSHS for control, care, and treatment in a secure facility. A person who is conditionally released to an SCTF must wear an electronic monitoring device at all times.

### **Summary of Bill:**

Prior to authorizing a person's conditional release to a less restrictive alternative, the court must impose electronic monitoring that, to the extent feasible, provides real time tracking, programmable inclusion and exclusion zones, and the ability to provide notifications if the person tampers with the monitoring device or enters an exclusion zone.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2025.

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