Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Community Safety Committee

HB 2349

Brief Description: Providing community notification regarding the release or discharge of sexually violent predators.

Sponsors: Representatives Leavitt, Griffey, Couture, Connors, Eslick, Klicker, Ley, Stearns, Rude, Keaton, Reeves, Richards, Graham, Barnard, Valdez and Salahuddin.

Brief Summary of Bill

- Requires the agency of jurisdiction to provide notice to specified officials in the applicable county and legislative district if a person being released by the agency may meet the criteria of a sexually violent predator (SVP).
- Requires the Department of Social and Health Services (DSHS) to provide notice to specified officials before an SVP's conditional release, change of address while on conditional release, or unconditional discharge, or if the SVP escapes.
- Requires the DSHS to send written notice to specified persons no later than seven calendar days after a court order is filed for an SVP's conditional release or unconditional discharge.

Hearing Date: 1/26/26

Staff: Corey Patton (786-7388).

Background:

Referral and Civil Commitment of Sexually Violent Predators.
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

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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. When it appears that a person may meet the criteria of an SVP, the agency with jurisdiction must make a referral in writing to the applicable county prosecuting attorney and the Attorney General three months prior to:

- the anticipated release from total confinement of a person who has been convicted of a sexually violent offense;
- the anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile;
- release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to; or
- release of a person who has been found not guilty by reason of insanity of a sexually violent offense.

The agency with jurisdiction must provide the prosecuting agency with all relevant information, including:

- a complete copy of the institutional records compiled by the Department of Corrections (DOC) relating to the person, and any such out-of-state records, if available;
- a complete copy, if applicable, of any file compiled by the Indeterminate Sentence Review Board (ISRB) relating to the person;
- all records relating to the psychological or psychiatric evaluation or treatment of the person;
- a current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and
- a current mental health evaluation or mental health records review.

If the prosecuting agency files a petition for the person's indefinite civil commitment and proves beyond a reasonable doubt that the person is an SVP at trial, 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 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. The court must make certain findings before granting an SVP a conditional release to an LRA.

Notice of Conditional Release, Change of Address, Unconditional Discharge, or Escape. The DSHS must send written notice to the following persons before an SVP's conditional release, change of address while on conditional release, or unconditional discharge, or if the SVP escapes:

- the chief of police of the city, if any, in which the person will reside or in which placement will be made under an LRA;
- the sheriff of the county in which the person will reside or in which placement will be

made under an LRA;
- the sheriff of the county where the person was last convicted of a sexually violent offense, if the DSHS does not know where the person will reside;
- if requested, the victim or victims of any sexually violent offenses for which the person was convicted in the past, or the victim's next of kin if the crime was a homicide;
- if requested, any witnesses who testified against the person in his or her civil commitment trial; and
- if requested, any person specified in writing by the prosecuting agency.

Written notice of a conditional release, change of address, or unconditional discharge must be provided at the earliest possible date, and no later than 30 days before the event occurring. Notice of an escape must be provided by the most reasonable and expedient means available.

Definitions.
A "sexually violent offense" is any of the following felonies committed on, before, or after July 1, 1990, or an attempt, criminal solicitation, or criminal conspiracy to commit such a felony:
- Rape in the first degree, Rape in the second degree by Forcible Compulsion, Rape of a Child in the first or second degree, Statutory Rape in the first or second degree, Indecent Liberties by Forcible Compulsion, Indecent Liberties against a child under age 14, Incest against a child under age 14, or Child Molestation in the first or second degree;
- a felony offense in effect at any time prior to July 1, 1990, that is comparable to any of the aforementioned offenses, or any federal or out-of-state conviction for a felony offense that would be a sexually violent offense under state law; or
- Murder in the first or second degree, Assault in the first or second degree, Assault of a Child in the first or second degree, Kidnapping in the first or second degree, Burglary in the first degree, Residential Burglary, or Unlawful Imprisonment, if determined beyond a reasonable doubt to have been sexually motivated.

The "agency with jurisdiction" means the agency with the authority to direct the release of a person serving a sentence or term of confinement, including the DOC, the ISRB, and the DSHS.

Summary of Bill:

Notice of Release for Potential Sexually Violent Predators.
When the agency with jurisdiction makes a referral to the applicable county prosecuting attorney and the Attorney General to notify them about the release of a person who may meet the criteria of a sexually violent predator (SVP), the agency with jurisdiction must also concurrently provide notice of the person's anticipated release date to the:
- sheriff of the applicable county;
- senator and each representative of the applicable legislative district;
- administrator or manager of the applicable county; and
- applicable chair of the board of county commissioners or county council.

Notice of Conditional Release, Change of Address, Unconditional Discharge, or Escape.

The list of persons that the Department of Social and Health Services (DSHS) must send written notice to before an SVP's conditional release, change of address while on conditional release, or unconditional discharge, or if the SVP escapes, is expanded to include the:

- executive authority of the political subdivision in which the person will reside or in which placement will be made under a less restrictive alternative (LRA);
- senator and each representative of the legislative district in which the person will reside or in which placement will be made under an LRA;
- administrator or manager of the political subdivision in which the person will reside or in which placement will be made under an LRA;
- chair of the city council of the city, if any, in which the person will reside or in which placement will be made under an LRA; and
- chair of the board of county commissioners or county council, whichever is applicable, in which the person will reside or in which placement will be made under an LRA.

If the court orders an SVP's conditional release or unconditional discharge, the DSHS must send written notice to all persons who are statutorily entitled to notice of an SVP's conditional release, change of address, unconditional discharge, or escape, no later than seven calendar days after the order is filed.

Appropriation: None.

Fiscal Note: Requested on January 21, 2026.

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