

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1133**

69th Legislature  
2025 Regular Session

Passed by the House March 10, 2025  
Yeas 95 Nays 0

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**Speaker of the House of  
Representatives**

Passed by the Senate April 5, 2025  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1133** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1133**

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Passed Legislature - 2025 Regular Session

**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Community Safety (originally sponsored by Representatives Leavitt, Couture, Bronoske, Wylie, Reeves, and Hill; by request of Attorney General)

READ FIRST TIME 02/21/25.

1       AN ACT Relating to sexually violent predators; amending RCW  
2 71.09.025 and 9.94A.717; and adding a new section to chapter 71.09  
3 RCW.

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

5       **Sec. 1.** RCW 71.09.025 and 2023 c 453 s 26 are each amended to  
6 read 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, the agency  
9 with jurisdiction shall refer the person in writing to the  
10 prosecuting attorney of the county in which an action under this  
11 chapter may be filed pursuant to RCW 71.09.030 and the attorney  
12 general, three months prior to:

13       (i) The anticipated release from total confinement of a person  
14 who 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  
19 stand trial pursuant to RCW 10.77.086(7); or

1 (iv) Release of a person who has been found not guilty by reason  
2 of insanity of a sexually violent offense pursuant to RCW  
3 10.77.020(~~(+3)~~) and 10.77.025.

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

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

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

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

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

17 (v) A current mental health evaluation or mental health records  
18 review.

19 (c) The prosecuting agency has the authority, consistent with RCW  
20 72.09.345(4), to obtain all records relating to the person if the  
21 prosecuting agency deems such records are necessary to fulfill its  
22 duties under this chapter. The prosecuting agency may only disclose  
23 such records in the course of performing its duties pursuant to this  
24 chapter, unless otherwise authorized by law.

25 (d) The prosecuting agency has the authority to utilize the  
26 inquiry judge procedures of chapter 10.27 RCW prior to the filing of  
27 any action under this chapter to seek the issuance of compulsory  
28 process for the production of any records (~~(necessary for)~~) relevant  
29 to a determination of whether to seek the civil commitment of a  
30 person under this chapter. Any records obtained pursuant to this  
31 process may only be disclosed by the prosecuting agency in the course  
32 of performing its duties pursuant to this chapter, or unless  
33 otherwise authorized by law.

34 (e) The prosecuting agency has the authority to utilize the  
35 procedures under section 2 of this act for the production of any  
36 records held by a public agency, including any agency as defined in  
37 RCW 42.56.010, relevant to a determination of whether to seek the  
38 civil commitment of a person under this chapter. Any records obtained  
39 pursuant to this process may only be disclosed by the prosecuting

1 agency in the course of performing its duties pursuant to this  
2 chapter, or unless otherwise authorized by law.

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

5 (3) As used in this section, "agency with jurisdiction" means  
6 that agency with the authority to direct the release of a person  
7 serving a sentence or term of confinement and includes the department  
8 of corrections, the indeterminate sentence review board, and the  
9 department of social and health services.

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

12 (1) Whenever the prosecuting agency believes that any public  
13 agency, including any agency as defined in RCW 42.56.010, may be in  
14 possession, custody, or control of any original or copy of any book,  
15 record, report, memorandum, paper, communication, tabulation, map,  
16 chart, photograph, mechanical transcription, or other tangible  
17 document or recording, wherever situated, which is believed to be  
18 relevant to the determination of whether to seek the civil commitment  
19 of a person under this chapter, the prosecuting agency may, prior to  
20 the institution of a civil proceeding thereon, execute in writing and  
21 cause to be served upon such public agency, a civil investigative  
22 demand requiring such public agency to produce such documentary  
23 material and permit inspection and copying.

24 (2) Each demand executed under this section shall:

25 (a) State the relevant sections or subsections authorizing the  
26 issuance of the demand and further state that the demand is for the  
27 purpose of obtaining information to aid in a determination of whether  
28 to seek the civil commitment of a person;

29 (b) Describe the class or classes of documentary material to be  
30 produced with reasonable specificity so as fairly to indicate the  
31 material demanded;

32 (c) Prescribe a return date within which the documentary material  
33 is to be produced; and

34 (d) Identify the members of the prosecuting agency's staff to  
35 whom such documentary material is to be made available for inspection  
36 and copying.

37 (3) No demand executed under this section may:

38 (a) Contain any requirement which would be unreasonable or  
39 improper if contained in a subpoena duces tecum; or

1 (b) Require the disclosure of any documentary material which  
2 would be privileged, or which for any other reason would not be  
3 required by a subpoena duces tecum issued by a court of this state.

4 (4) Service of any demand executed under this section may be made  
5 by delivering a copy consistent with the civil rules regarding the  
6 service of a subpoena duces tecum unless the public agency to whom  
7 the demand is directed to agrees otherwise.

8 (5) At any time before the return date specified in the demand,  
9 or within 20 days after the demand has been served, whichever period  
10 is shorter, a petition to extend the return date for, or to modify or  
11 set aside a demand issued under subsection (1) of this section,  
12 stating good cause, may be filed in the superior court for Thurston  
13 county, or in such other county where the public agency is situated.  
14 A petition by the public agency on whom the demand is served, stating  
15 good cause, to require the prosecuting agency or any person to  
16 perform any duty imposed by the provisions of this section, and all  
17 other petitions in connection with a demand executed under this  
18 section, may be filed in the superior court for Thurston county, or  
19 in the county where the public agency is situated or in such other  
20 county as may be agreed upon by the parties to such petition. The  
21 court shall have jurisdiction to impose such sanctions as are  
22 provided for in the civil rules for superior court with respect to  
23 discovery motions.

24 (6) Whenever any public agency fails to comply with any civil  
25 investigative demand for documentary material under this section, or  
26 whenever satisfactory copying or reproduction of any such material  
27 cannot be done and such public agency refuses to surrender such  
28 material, the prosecuting agency may file, in the trial court of  
29 general jurisdiction of the county in which such public agency is  
30 situated, and serve upon such public agency a petition for an order  
31 of such court for the enforcement of this section, except that if  
32 such public agency is situated in more than one county such petition  
33 shall be filed in the county in which such public agency maintains  
34 its principal place of business, or in such other county as may be  
35 agreed upon by the parties to such petition. Whenever any petition is  
36 filed in the trial court of general jurisdiction of any county under  
37 this section, such court shall have jurisdiction to hear and  
38 determine the matter presented and to enter such order or orders as  
39 may be required to carry into effect the provisions of this section,

1 and may impose such sanctions as are provided for in the civil rules  
2 for superior court with respect to discovery motions.

3 (7) This section shall not be applicable to criminal  
4 prosecutions.

5 **Sec. 3.** RCW 9.94A.717 and 2020 c 275 s 2 are each amended to  
6 read as follows:

7 (1) If an offender sentenced under this chapter or chapter 9.94B  
8 RCW is supervised by the department, the offender may earn  
9 supervision compliance credit in accordance with procedures that are  
10 developed and adopted by the department.

11 (a) The supervision compliance credit shall be awarded to  
12 offenders who are in compliance with supervision terms and are making  
13 progress towards the goals of their individualized supervision case  
14 plan, including: Participation in specific targeted interventions,  
15 risk-related programming, or treatment; or completing steps towards  
16 specific targeted goals that enhance protective factors and  
17 stability, as determined by the department.

18 (b) For each month in compliance with community custody  
19 conditions in accordance with (a) of this subsection, an offender may  
20 earn supervision compliance credit of ten days.

21 (c) Supervision compliance credit is accrued monthly and time  
22 shall not be applied to an offender's term of supervision prior to  
23 the earning of the time.

24 (2) An offender is not eligible to earn supervision compliance  
25 credit if he or she:

26 (a) Was sentenced under RCW 9.94A.507 or 10.95.030;

27 (b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or  
28 9.94A.670;

29 (c) Is subject to supervision pursuant to RCW 9.94A.745;

30 (d) Has an indeterminate sentence and is subject to parole  
31 pursuant to RCW 9.95.017; or

32 (e) Is serving community custody pursuant to early release under  
33 RCW 9.94A.730.

34 (3) An offender is not eligible to earn supervision compliance  
35 credit on any cause being served concurrently with a less restrictive  
36 alternative subject to supervision pursuant to RCW 71.09.092.

37 NEW SECTION. **Sec. 4.** If any provision of this act or its  
38 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

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