
SENATE BILL 6336

State of Washington **69th Legislature** **2026 Regular Session**

By Senators Torres, Boehnke, Dozier, Gildon, and Holy

Read first time 01/30/26. Referred to Committee on Human Services.

1 AN ACT Relating to prohibiting sexually violent predators from
2 being placed in less restrictive alternatives located in areas with a
3 high concentration of children; and amending RCW 71.09.020,
4 71.09.092, and 71.09.096.

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

6 **Sec. 1.** RCW 71.09.020 and 2021 c 236 s 2 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Department" means the department of social and health
11 services.

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

17 (3) "Health care facility" means any hospital, hospice care
18 center, licensed or certified health care facility, health
19 maintenance organization regulated under chapter 48.46 RCW, federally
20 qualified health maintenance organization, federally approved renal
21 dialysis center or facility, or federally approved blood bank.

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

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

6 (6) "Health profession" means those licensed or regulated
7 professions set forth in RCW 18.120.020(4).

8 (7) "Less restrictive alternative" means court-ordered treatment
9 in a setting less restrictive than total confinement which satisfies
10 the conditions set forth in RCW 71.09.092. A less restrictive
11 alternative may not include placement in the community protection
12 program as pursuant to RCW 71A.12.230. A less restrictive alternative
13 may only include a placement that has been investigated and verified
14 by the department as being in a location where the ratio of adults to
15 children residing within a 500-foot radius of the placement exceeds a
16 ratio of three to one.

17 (8) "Likely to engage in predatory acts of sexual violence if not
18 confined in a secure facility" means that the person more probably
19 than not will engage in such acts if released unconditionally from
20 detention on the sexually violent predator petition. Such likelihood
21 must be evidenced by a recent overt act if the person is not totally
22 confined at the time the petition is filed under RCW 71.09.030.

23 (9) "Mental abnormality" means a congenital or acquired condition
24 affecting the emotional or volitional capacity which predisposes the
25 person to the commission of criminal sexual acts in a degree
26 constituting such person a menace to the health and safety of others.

27 (10) "Personality disorder" means an enduring pattern of inner
28 experience and behavior that deviates markedly from the expectations
29 of the individual's culture, is pervasive and inflexible, has onset
30 in adolescence or early adulthood, is stable over time and leads to
31 distress or impairment. Purported evidence of a personality disorder
32 must be supported by testimony of a licensed forensic psychologist or
33 psychiatrist.

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

38 (12) "Prosecuting agency" means the prosecuting attorney of the
39 county where the person was convicted or charged or the attorney

1 general if requested by the prosecuting attorney, as provided in RCW
2 71.09.030.

3 (13) "Recent overt act" means any act, threat, or combination
4 thereof that has either caused harm of a sexually violent nature or
5 creates a reasonable apprehension of such harm in the mind of an
6 objective person who knows of the history and mental condition of the
7 person engaging in the act or behaviors.

8 (14) "Risk potential activity" or "risk potential facility" means
9 an activity or facility that provides a higher incidence of risk to
10 the public from persons conditionally released from the special
11 commitment center. Risk potential activities and facilities include:
12 Public and private schools, school bus stops, licensed day care and
13 licensed preschool facilities, public parks, publicly dedicated
14 trails, sports fields, playgrounds, recreational and community
15 centers, churches, synagogues, temples, mosques, public libraries,
16 public and private youth camps, and others identified by the
17 department following the hearings on a potential site required in RCW
18 71.09.315. For purposes of this chapter, "school bus stops" does not
19 include bus stops established primarily for public transit.

20 (15) "Secretary" means the secretary of social and health
21 services or the secretary's designee.

22 (16) "Secure community transition facility" means a residential
23 facility for persons civilly committed and conditionally released to
24 a less restrictive alternative under this chapter. A secure community
25 transition facility has supervision and security, and either provides
26 or ensures the provision of sex offender treatment services. Secure
27 community transition facilities include but are not limited to the
28 facility established pursuant to RCW 71.09.250(1)(a)(i) and any
29 community-based facilities established under this chapter and
30 operated by the secretary or under contract with the secretary.

31 (17) "Secure facility" means a residential facility for persons
32 civilly confined under the provisions of this chapter that includes
33 security measures sufficient to protect the community. Such
34 facilities include total confinement facilities, secure community
35 transition facilities, and any residence used as a court-ordered
36 placement under RCW 71.09.096.

37 (18) "Sexually violent offense" means an act committed on,
38 before, or after July 1, 1990, that is: (a) An act defined in Title
39 9A RCW as rape in the first degree, rape in the second degree by
40 forcible compulsion, rape of a child in the first or second degree,

1 statutory rape in the first or second degree, indecent liberties by
2 forcible compulsion, indecent liberties against a child under age
3 fourteen, incest against a child under age fourteen, or child
4 molestation in the first or second degree; (b) a felony offense in
5 effect at any time prior to July 1, 1990, that is comparable to a
6 sexually violent offense as defined in (a) of this subsection, or any
7 federal or out-of-state conviction for a felony offense that under
8 the laws of this state would be a sexually violent offense as defined
9 in this subsection; (c) an act of murder in the first or second
10 degree, assault in the first or second degree, assault of a child in
11 the first or second degree, kidnapping in the first or second degree,
12 burglary in the first degree, residential burglary, or unlawful
13 imprisonment, which act, either at the time of sentencing for the
14 offense or subsequently during civil commitment proceedings pursuant
15 to this chapter, has been determined beyond a reasonable doubt to
16 have been sexually motivated, as that term is defined in RCW
17 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is
18 an attempt, criminal solicitation, or criminal conspiracy to commit
19 one of the felonies designated in (a), (b), or (c) of this
20 subsection.

21 (19) "Sexually violent predator" means any person who has been
22 convicted of or charged with a crime of sexual violence and who
23 suffers from a mental abnormality or personality disorder which makes
24 the person likely to engage in predatory acts of sexual violence if
25 not confined in a secure facility.

26 (20) "Total confinement facility" means a secure facility that
27 provides supervision and sex offender treatment services in a total
28 confinement setting. Total confinement facilities include the special
29 commitment center and any similar facility designated as a total
30 confinement facility by the secretary.

31 (21) "Treatment" means the sex offender specific treatment
32 program at the special commitment center or a specific course of sex
33 offender treatment pursuant to RCW 71.09.092 (1) and (2).

34 **Sec. 2.** RCW 71.09.092 and 2021 c 236 s 5 are each amended to
35 read as follows:

36 Before the court may enter an order directing conditional release
37 to a less restrictive alternative, it must find the following: (1)
38 The person will be treated by a treatment provider who is qualified
39 to provide such treatment in the state of Washington under chapter

1 18.155 RCW; (2) the treatment provider has presented a specific
2 course of treatment and has agreed to assume responsibility for such
3 treatment and will report progress to the court on a regular basis,
4 and will report violations immediately to the court, the prosecutor,
5 the supervising community corrections officer, and the superintendent
6 of the special commitment center; (3) housing exists in Washington
7 that complies with distance restrictions, has been investigated and
8 verified by the department to be in a location where the ratio of
9 adults to children residing within a 500-foot radius of the housing
10 exceeds a ratio of three to one, is sufficiently secure to protect
11 the community, and the person or agency providing housing to the
12 conditionally released person has agreed in writing to accept the
13 person, to provide the level of security required by the court, and
14 immediately to report to the court, the prosecutor, the supervising
15 community corrections officer, and the superintendent of the special
16 commitment center if the person leaves the housing to which he or she
17 has been assigned without authorization; (4) if the department has
18 proposed housing that is outside of the county of commitment, a
19 documented effort was made by the department to ensure that placement
20 is consistent with fair share principles of release; (5) the person
21 is willing to comply with the treatment provider and all requirements
22 imposed by the treatment provider and by the court; and (6) the
23 person will be under the supervision of the department of corrections
24 and is willing to comply with supervision requirements imposed by the
25 department of corrections.

26 **Sec. 3.** RCW 71.09.096 and 2025 c 33 s 1 are each amended to read
27 as follows:

28 (1) If the court or jury determines that conditional release to a
29 less restrictive alternative is in the best interest of the person
30 and includes conditions that would adequately protect the community,
31 and the court determines that the minimum conditions set forth in RCW
32 71.09.092 and in this section are met, the court shall enter judgment
33 and direct a conditional release.

34 (2) The court shall impose any additional conditions necessary to
35 ensure compliance with treatment and to protect the community. If the
36 court finds that conditions do not exist that will both ensure the
37 person's compliance with treatment and protect the community, then
38 the person shall be remanded to the custody of the department of

1 social and health services for control, care, and treatment in a
2 secure facility as designated in RCW 71.09.060(1).

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

14 (4)(a) Prior to authorizing any release to a less restrictive
15 alternative, the court shall impose such conditions upon the person
16 as are necessary to ensure the safety of the community, which must
17 include, at minimum, the condition that the person will be subject to
18 electronic monitoring that, to the extent feasible, provides real-
19 time tracking, programmable inclusion and exclusion zones, and the
20 ability to provide notifications if the person tampers with the
21 monitoring device or enters an exclusion zone. In imposing
22 conditions, the court must impose a restriction on the proximity of
23 the person's residence to public or private schools providing
24 instruction to kindergarten or any grades one through 12 in
25 accordance with RCW 72.09.340. Courts shall require a minimum
26 distance restriction of 500 feet on the proximity of the person's
27 residence to child care facilities and public or private schools
28 providing instruction to kindergarten or any grades one through 12.
29 Courts shall also require that the person's residence be in a
30 location where the ratio of adults to children residing within a 500-
31 foot radius of the residence exceeds a ratio of three to one, as
32 investigated and verified by the department. The court shall order
33 the department of corrections to investigate the less restrictive
34 alternative and, within 60 days of the order to investigate,
35 recommend any additional conditions to the court. These conditions
36 shall be individualized to address the person's specific risk factors
37 and criminogenic needs and may include, but are not limited to, the
38 following: Specification of residence or restrictions on residence
39 including distance restrictions, specification of contact with a
40 reasonable number of individuals upon the person's request who are

1 verified by the department of corrections to be appropriate social
2 contacts, prohibition of contact with potential or past victims,
3 prohibition of alcohol and other drug use, participation in a
4 specific course of inpatient or outpatient treatment that may include
5 monitoring by the use of polygraph and plethysmograph, monitoring
6 through the use of global positioning system technology, supervision
7 by a department of corrections community corrections officer, a
8 requirement that the person remain within the state unless the person
9 receives prior authorization by the court, and any other conditions
10 that the court determines are in the best interest of the person or
11 others. A copy of the conditions of release shall be given to the
12 person and to any designated service providers.

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

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

1 proposal to a county other than the county of commitment, the court
2 shall enter specific findings regarding its decision and identify
3 whether the release remains in line with fair share principles.

4 (b) (i) When the department develops a less restrictive
5 alternative placement under this section, it shall attempt to
6 identify a placement satisfying the requirements of RCW 71.09.092
7 that is aligned with fair share principles. The department shall
8 document its rationale for the recommended placement.

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

15 (iii) When the department develops or proposes a less restrictive
16 alternative placement under this chapter, it shall be considered a
17 predisposition recommendation.

18 (iv) In developing, modifying, and enforcing less restrictive
19 alternatives, the department shall be deemed to be performing a
20 quasi-judicial function.

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

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

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

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

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

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

37 (iii) Regular contacts with providers of court-ordered treatment
38 services;

39 (iv) Community escorts, if needed;

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

3 (vi) Financial support for necessary housing;

4 (vii) Life skills training and disability accommodations, if
5 needed; and

6 (viii) Assistance in pursuing benefits, education, and
7 employment.

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

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

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

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

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

36 (8) Each person released to a less restrictive alternative shall
37 have his or her case reviewed by the court that released him or her
38 no later than one year after such release and annually thereafter
39 until the person is unconditionally discharged. Review may occur in a
40 shorter time or more frequently, if the court, in its discretion on

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

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