
SENATE BILL 6337

State of Washington

69th Legislature

2026 Regular Session

By Senators Torres, Boehnke, Conway, 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 within 500 feet of, or
3 with a sight line to, certain facilities or schools; and amending RCW
4 71.09.096.

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

6 **Sec. 1.** RCW 71.09.096 and 2025 c 33 s 1 are each amended to read
7 as follows:

8 (1) If the court or jury determines that conditional release to a
9 less restrictive alternative is in the best interest of the person
10 and includes conditions that would adequately protect the community,
11 and the court determines that the minimum conditions set forth in RCW
12 71.09.092 and in this section are met, the court shall enter judgment
13 and direct a conditional release.

14 (2) The court shall impose any additional conditions necessary to
15 ensure compliance with treatment and to protect the community. If the
16 court finds that conditions do not exist that will both ensure the
17 person's compliance with treatment and protect the community, then
18 the person shall be remanded to the custody of the department of
19 social and health services for control, care, and treatment in a
20 secure facility as designated in RCW 71.09.060(1).

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

12 (4)(a) Prior to authorizing any release to a less restrictive
13 alternative, the court shall impose such conditions upon the person
14 as are necessary to ensure the safety of the community, which must
15 include, at minimum, the condition that the person will be subject to
16 electronic monitoring that, to the extent feasible, provides real-
17 time tracking, programmable inclusion and exclusion zones, and the
18 ability to provide notifications if the person tampers with the
19 monitoring device or enters an exclusion zone. In imposing
20 conditions, the court must impose a restriction on the proximity of
21 the person's residence to public or private schools providing
22 instruction to kindergarten or any grades one through 12 in
23 accordance with RCW 72.09.340 and to recreational facilities as
24 defined in RCW 36.69.010. Courts shall (~~require a minimum distance~~
25 ~~restriction of 500 feet on the proximity of~~) prohibit the person's
26 residence from having a sight line to any child care facilities
27 (~~and~~), public or private schools providing instruction to
28 kindergarten or any grades one through 12, and recreational
29 facilities as defined in RCW 36.69.010, and shall require a minimum
30 distance restriction of 500 feet from such facilities and schools.
31 The court shall order the department of corrections to investigate
32 the less restrictive alternative and, within 60 days of the order to
33 investigate, recommend any additional conditions to the court. These
34 conditions shall be individualized to address the person's specific
35 risk factors and criminogenic needs and may include, but are not
36 limited to, the following: Specification of residence or restrictions
37 on residence including distance restrictions, specification of
38 contact with a reasonable number of individuals upon the person's
39 request who are verified by the department of corrections to be
40 appropriate social contacts, prohibition of contact with potential or

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

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

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

1 shall enter specific findings regarding its decision and identify
2 whether the release remains in line with fair share principles.

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

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

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

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

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

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

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

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

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

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

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

38 (iv) Community escorts, if needed;

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

- 1 (vi) Financial support for necessary housing;
2 (vii) Life skills training and disability accommodations, if
3 needed; and
4 (viii) Assistance in pursuing benefits, education, and
5 employment.

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

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

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

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

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

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

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

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