

**WAC 388-885-010 Definitions.** (1) "Attorney cost" means the fully documented itemized hourly cost directly related to the violent sexual predator civil commitment process for:

- (a) A single assigned prosecuting attorney;
- (b) When the person is indigent, a single court-appointed attorney;
- (c) Additional counsel, for the defense or prosecution, when additional defense counsel is approved by the trial judge for good cause; and
- (d) Paralegal services and other costs, itemized based on a schedule of reimbursements as described in WAC 388-885-035.

(2) "Civil commitment process" as used in this chapter refers to the following distinct phases of chapter 71.09 RCW commitments and for a period encompassing the ninety days before the phases denominated in subsections (d) and (e) of this section.

(a) Investigation and preparation of an RCW 71.09.030 filing (by the prosecution only).

(b) Completion of a seventy-two hour probable cause hearing under RCW 71.09.040.

(c) Completion of an initial civil commitment trial under RCW 71.09.060.

(d) Completion of annual review proceedings under RCW 71.09.090 which commences with the filing of an annual review report under RCW 71.09.070 and ends with a waiver of a show cause hearing by the resident or completion of the show cause hearing.

(e) Completion of a post-commitment conditional or unconditional release trial under RCW 71.09.090.

(3) "Department" means the department of social and health services.

(4) "Deposition" means the legal fact finding interview of a person under force of subpoena or by agreement of the parties.

(5) "Evaluation(s)" means the different types of evaluations that occur related to a person's commitment or detention under chapter 71.09 RCW are as follows:

(a) The "initial evaluation performed by the state" occurs under RCW 71.09.025 and happens before the person is detained at the SCC, usually occurring while the person is in prison, juvenile rehabilitation administration (JRA), a state mental hospital, a county jail, or in the community following commission of a recent overt act.

(b) The "initial evaluation performed by the defense" occurs under RCW 71.09.050 and occurs when authorized by the court.

(c) "Supplemental evaluations", as required by RCW 71.09.040, are performed for civil commitment trial purposes after a court finding of probable cause.

(d) "Post commitment evaluations", as required by RCW 71.09.070, 71.09.090, and 71.09.098, occur when the person qualifies for a conditional or unconditional release trial.

(e) "Partial evaluations performed by the defense" means an evaluation performed by the same evaluator less than twelve months after performing an initial evaluation or post commitment evaluation.

(f) Upon proper application to the court for appointment of counsel to aid in seeking conditional or unconditional release pursuant to RCW 71.09.090(2).

(6) "Evaluation by expert cost" is as described in WAC 388-885-013.

(7) "Incidental cost" means county-incurred efforts or costs that are not otherwise covered and are exclusively attributable and neces-

sary to the trial of a person alleged to be a "sexually violent predator."

(8) "Investigative cost" means a cost incurred by a police agency or other investigative service in the course of investigating issues specific to:

(a) Filing or responding to a petition alleging a person is a "sexually violent predator;" or

(b) Testifying at a hearing to determine if a person is a "sexually violent predator."

(9) "Medical cost" means a county-incurred extraordinary medical expense beyond the routine services of a jail.

(10) "Secretary" means the secretary of the department of social and health services.

(11) "Transportation cost" means the cost a county incurs when transporting a person alleged to be, or having been found to be, a "sexually violent predator," to and from his or her place of confinement.

(12) "Trial cost" means the costs a county incurs as the result of filing a petition for the civil commitment of a person alleged to be a "sexually violent predator" under chapter 71.09 RCW. This cost is limited to fees for:

(a) Judges;

(b) Court clerks;

(c) Bailiff services;

(d) Court reporter services;

(e) Transcript typing and preparation;

(f) Expert and nonexpert witnesses;

(g) Juries; and

(h) Jail facilities.

(13) "Supporting expert cost" means the cost of a specific physical or specialty testing done by other experts at the request of the single expert for the state or defense if such testing is normally relied on by the professional community in conducting an evaluation.

[Statutory Authority: Chapter 71.09 RCW, RCW 72.01.090, 2010 c 28, 2010 c 37, and Washington state supreme court decision No. 80570-9 re Detention of John L. Strand, filed October 8, 2009. WSR 11-10-086, § 388-885-010, filed 5/4/11, effective 6/4/11. Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 08-19-042, § 388-885-010, filed 9/11/08, effective 10/12/08. WSR 99-21-002, recodified as § 388-885-010, filed 10/6/99, effective 10/6/99. Statutory Authority: RCW 71.09.050 and 43.20A.050. WSR 94-12-006 (Order 3736), § 275-156-010, filed 5/19/94, effective 6/19/94. Statutory Authority: Chapter 71.09 RCW. WSR 92-18-037 (Order 3447), § 275-156-010, filed 8/27/92, effective 9/27/92. Statutory Authority: RCW 43.20A.050. WSR 91-21-027 (Order 3263), § 275-156-010, filed 10/8/91, effective 11/8/91.]