
SUBSTITUTE HOUSE BILL 2262

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Wineberry, Riley, Tate, Wang, Roland, Winsley, Paris, May, Bowman, Orr and Van Luven; by request of Department of Corrections, Dept. of Social and Health Services and Indeterminate Sentence Review Board)

Read first time 01/15/92.

1 AN ACT Relating to refinements of the community protection act of
2 1990; amending RCW 9.94A.151, 9.94A.155, and 71.09.030; and adding a
3 new section to chapter 71.09 RCW.

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

5 **Sec. 1.** RCW 9.94A.151 and 1990 c 3 s 122 are each amended to read
6 as follows:

7 (1)(a) When it appears that a person who has been convicted of a
8 sexually violent offense may meet the criteria of a sexually violent
9 predator as defined in RCW 71.09.020(1), the agency with jurisdiction
10 over the person shall refer the person in writing to the prosecuting
11 attorney of the county where that person was convicted, three months
12 ((before)) prior to the anticipated release from total confinement ((of
13 a person convicted of a sex offense as defined in RCW 9.94A.030 that
14 was committed between June 30, 1984, and July 1, 1988, the department

1 shall notify in writing the prosecuting attorney of the county where
2 the person was convicted. ~~The department~~)).

3 (b) The agency shall inform the prosecutor of the following:

4 ~~((1))~~ (i) The person's name, identifying factors, anticipated
5 future residence, and offense history; and

6 (ii) Documentation of institutional adjustment and any treatment
7 received.

8 ~~(2) ((A brief narrative describing the person's conduct during~~
9 ~~confinement and any treatment received; and~~

10 ~~(3) Whether the department recommends that a civil commitment~~
11 ~~petition be filed under RCW 71.09.030.))~~ This section applies to acts
12 committed before, on, or after the effective date of this act.

13 (3) The ((department)) agency with jurisdiction, its employees, and
14 officials shall be immune from liability for any good-faith conduct
15 under this section.

16 (4) As used in this section, "agency with jurisdiction" means that
17 agency with the authority to direct the release of a person serving a
18 sentence or term of confinement and includes the department of
19 corrections, the indeterminate sentence review board, and the
20 department of social and health services.

21 **Sec. 2.** RCW 9.94A.155 and 1990 c 3 s 121 are each amended to read
22 as follows:

23 (1) At the earliest possible date, and in no event later than ten
24 days before release except in the event of escape or emergency
25 furloughs as defined in RCW 72.66.010, the department of corrections
26 shall send written notice of parole, release, community placement, work
27 release placement, furlough, or escape about a specific inmate
28 convicted of a violent offense or a sex offense as defined by RCW
29 9.94A.030, to ~~((all of))~~ the following:

1 (a) The chief of police of the city, if any, in which the inmate
2 will reside or in which placement will be made in a work release
3 program; and

4 (b) The sheriff of the county in which the inmate will reside or in
5 which placement will be made in a work release program.

6 The sheriff of the county where the offender was convicted shall be
7 notified if the department does not know where the offender will
8 reside. The department shall notify the state patrol of the release of
9 all sex offenders, and that information shall be placed in the
10 Washington crime information center for dissemination to all law
11 enforcement.

12 (2) The same notice as required by subsection (1) of this section
13 shall be sent to the following if such notice has been requested in
14 writing about a specific inmate convicted of a violent offense or a sex
15 offense as defined by RCW 9.94A.030:

16 (a) The victim of the crime for which the inmate was convicted or
17 the victim's next of kin if the crime was a homicide;

18 (b) Any witnesses who testified against the inmate in any court
19 proceedings involving the violent offense; and

20 (c) Any person specified in writing by the prosecuting attorney.
21 Information regarding victims, next of kin, or witnesses requesting the
22 notice, information regarding any other person specified in writing by
23 the prosecuting attorney to receive the notice, and the notice are
24 confidential and shall not be available to the inmate.

25 (3) If an inmate convicted of a violent offense or a sex offense as
26 defined by RCW 9.94A.030 escapes from a correctional facility, the
27 department of corrections shall immediately notify, by the most
28 reasonable and expedient means available, the chief of police of the
29 city and the sheriff of the county in which the inmate resided
30 immediately before the inmate's arrest and conviction. If previously

1 requested, the department shall also notify the witnesses and the
2 victim of the crime for which the inmate was convicted or the victim's
3 next of kin if the crime was a homicide. If the inmate is recaptured,
4 the department shall send notice to the persons designated in this
5 subsection as soon as possible but in no event later than two working
6 days after the department learns of such recapture.

7 (4) If the victim, the victim's next of kin, or any witness is
8 under the age of sixteen, the notice required by this section shall be
9 sent to the parents or legal guardian of the child.

10 (5) The department of corrections shall send the notices required
11 by this chapter to the last address provided to the department by the
12 requesting party. The requesting party shall furnish the department
13 with a current address.

14 (6) For purposes of this section the following terms have the
15 following meanings:

16 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

17 (b) "Next of kin" means a person's spouse, parents, siblings and
18 children.

19 (7) Nothing in this section shall impose any liability upon a chief
20 of police of a city or sheriff of a county for failing to request in
21 writing a notice as provided in subsection (1) of this section.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.09 RCW
23 to read as follows:

24 (1)(a) When it appears that a person may meet the criteria of a
25 sexually violent predator as defined in RCW 71.09.020(1), the agency
26 with jurisdiction shall refer the person in writing to the prosecuting
27 attorney of the county where that person was convicted, three months
28 prior to:

1 (i) The anticipated release from total confinement of a person who
2 has been convicted of a sexually violent offense;

3 (ii) The anticipated release from total confinement of a person
4 found to have committed a sexually violent offense as a juvenile;

5 (iii) Release of a person who has been charged with a sexually
6 violent offense and who has been determined to be incompetent to stand
7 trial pursuant to RCW 10.77.090(3); or

8 (iv) Release of a person who has been found not guilty by reason of
9 insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

10 (b) The agency shall inform the prosecutor of the following:

11 (i) The person's name, identifying factors, anticipated future
12 residence, and offense history; and

13 (ii) Documentation of institutional adjustment and any treatment
14 received.

15 (2) This section applies to acts committed before, on, or after the
16 effective date of this act.

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

19 (4) As used in this section, "agency with jurisdiction" means that
20 agency with the authority to direct the release of a person serving a
21 sentence or term of confinement and includes the department of
22 corrections, the indeterminate sentence review board, and the
23 department of social and health services.

24 **Sec. 4.** RCW 71.09.030 and 1990 1st ex.s. c 12 s 3 are each amended
25 to read as follows:

26 When it appears that: (1) The sentence of a person who has been
27 convicted of a sexually violent offense committed prior to July 1,
28 1984, is about to expire, or has expired on, before, or after July 1,
29 1990; (2) the term of total confinement of a person who has been

1 convicted of a sexually violent offense committed after June 30, 1984,
2 is about to, or has expired on, before, or after July 1, 1990; (3) the
3 term of total confinement of a person who has been convicted of a sex
4 or sexually motivated offense committed subsequent to a sexually
5 violent offense that was committed prior to July 1, 1984, is about to
6 or has expired on, before, or after July 1, 1990; (4) the term of total
7 confinement of a person found to have committed a sexually violent
8 offense as a juvenile is about to expire, or has expired on, before, or
9 after July 1, 1990; ((+3)) (5) a person who has been charged with a
10 sexually violent offense and who has been determined to be incompetent
11 to stand trial is about to be released, or has been released on,
12 before, or after July 1, 1990, pursuant to RCW 10.77.090(3); or ((+4))
13 (6) a person who has been found not guilty by reason of insanity of a
14 sexually violent offense is about to be released, or has been released
15 on, before, or after July 1, 1990, pursuant to RCW 10.77.020(3); and it
16 appears that the person may be a sexually violent predator, the
17 prosecuting attorney of the county where the person was convicted or
18 charged or the attorney general if requested by the prosecuting
19 attorney may file a petition alleging that the person is a "sexually
20 violent predator" and stating sufficient facts to support such
21 allegation.

22 NEW SECTION. Sec. 5. If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.