

2014 SESSION: ATTORNEY GENERAL REQUEST LEGISLATION

## REFORMING THE SEXUALLY VIOLENT PREDATOR STATUTE



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Attorney General  
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### OBJECTIVE

**Prevent the Release of Sexually Violent Predators who have not been rehabilitated by closing a loophole in the Sexually Violent Predator statute and defining treatment.**

### PROBLEM

The Attorney General's Office (AGO) is responsible for the commitment and recommitment hearings and trials for individuals deemed sexually violent predators.

The AGO is seeking three reforms to the sexually violent predator statute.

- Some sexually violent predators refuse to participate in the annual reviews administered by the state's forensic psychologists with the Special Commitment Center, severely reducing the experts' ability to make an accurate recommendation as to whether the individual still meets the criteria of a sexually violent predator. Meanwhile, sexually violent predators can seek out their own experts to testify on their behalf. **This creates an imbalance in the system, increasing the risk that a sexually violent predator who has not been rehabilitated will be released.**
- Only 37% of civilly committed sexually violent predators participate in the state's treatment programs specifically designed to prevent reoffending.<sup>1</sup> Statute does not define treatment, and some individuals argue that activities such as Narcotics Anonymous meetings constitute treatment. **The lack of clarity leads to unnecessary litigation and disincentivizes participation in the treatment programs being offered by the Special Commitment Center.**
- The state must administer examinations to determine whether civilly committed individuals continue to meet the definition of a sexually violent predator on an annual basis, even if it is within weeks of a re-commitment trial in which a jury of twelve has unanimously decided just that. **This creates an unnecessary expense for the state and an unnecessary burden for Assistant Attorneys General prosecuting these cases.**

### LEGISLATION (SB 5965 / HB 2122)

SSB 5965 addresses these three issues by:

- Rendering inadmissible any report or testimony offered by an expert on the SVP's behalf UNLESS the committed person participated in the most recent annual review;
- Permitting audio recordings of annual review interviews, if requested by the SVP;
- Suspending annual examinations and reports when a court orders an unconditional release trial;
- Defining treatment as the sex-offender specific treatment program at the special commitment center.

These changes will reduce the risk of a sexually violent predator being released into the community and re-offending.

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### SUPPORT

#### ORGANIZATIONS

- Washington Association of Prosecuting Attorneys
- Washington Coalition of Crime Victims Advocacy
- Washington Coalition of Sexual Assault Programs
- Washington State Patrol Troopers Association

#### HOUSE

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Joe Schmick (R-9)  
Dean Takko (D-19)  
Shelly Short (R-7)  
Terry Nealey (R-16)  
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Karen Keiser (D-33)  
Rosemary McAuliffe (D-1)

1. <http://www.inlander.com/spokane/calculating-risks/Content?oid=2189256>