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WASHINGTON'S SEXUALLY VIOLENT PREDATOR LAW: THE "PREDATORY" REQUIREMENT

Erin Gunn*

INTRODUCTION

In May of 1989, a seven-year-old boy was found semiconscious in the woods near his Tacoma, Washington home. He had been raped, strangled, and sexually mutilated. The boy's attacker was Earl K. Shriner, a convicted sex offender with a twenty-four-year record of assaults on juveniles.¹ In May of 1987, Shriner's prison time for a conviction of kidnapping and assaulting two young girls had been nearing the end. Prison officials had attempted to commit him to Western State Hospital, but because at that time Shriner was not mentally ill and was not acting in a "violently dangerous manner,"² they were unsuccessful. After learning of Shriner's history of prior offenses and the unsuccessful attempt to have him civilly committed, the public became outraged and demanded immediate action by Washington state legislators. The public demanded that legislators prevent those who have already been convicted of sexual offenses from attacking again.³

The legislature's response was the unanimous passage of the Community Protection Act, which included a highly controversial civil commitment law.⁴ The "Sexually Violent Predator" law provides for the involuntary civil commitment of sex offenders

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1. Barry Siegel, *Locking up "Sexual Predators,"* L.A. TIMES, May 10, 1990, at A1.

2. *Id.*

3. *Id.*

4. Norm Maleng, *Law Gives Public Right to Treat Sex Offenders,* SEATTLE TIMES, Aug. 24, 1993, at B5.

after they have served their prison sentences.⁵ The state can initiate commitment procedures either when offenders terms are nearing completion or after the offenders have been released.⁶ Individuals committed under this statute will not be released until they can prove that they no longer represent a danger to society.⁷

This law is an unconstitutional response to the problem of sexual violence because it allows the state to detain individuals based solely on predictions of future dangerousness. Because the criminal justice system requires the commission of a crime before an individual's liberty can be restricted, the state instead uses the civil commitment system to detain sexually violent offenders. However, the Sexually Violent Predator law allows for the civil commitment of individuals who do not have mental illnesses.⁸ In effect, this law allows the state to punish for a second time individuals who have completed their criminal sentences. This time, however, the sentences may be life imprisonment.

Beyond these constitutional issues, the statute is an ineffective response to the problem of sexual violence against women and children because it specifically excludes family and acquaintance offenders.⁹ The exclusion of these offenders raises significant questions about the true purpose of this law since the majority of sexual offenses against women and children are committed by family members and acquaintances.¹⁰ If the purpose of

5. WASH. REV. CODE § 71.09 (1990).

6. WASH. REV. CODE § 71.09.030 (1990).

7. WASH. REV. CODE § 71.09.060(1) (1990).

8. Section 71.05 of the Washington Code is the general civil commitment statute for the state of Washington. Under § 71.05.150, a mental health professional may file a petition for the involuntary civil commitment of an individual if the professional determines that, "as a result of a mental disorder, [that person] presents a likelihood of serious harm to others or himself." WASH. REV. CODE § 71.05.150(1)(a) (1990). Mental disorder is defined as any "organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions." WASH. REV. CODE § 71.05.020(2) (1990). To compare this with requirements for involuntary commitment of sexual predators, see *infra* note 9.

9. A "sexually violent predator" is defined as someone who has been charged with or convicted of a crime of sexual violence and who suffers from a "mental abnormality" or "personality disorder" that makes him or her likely to engage in "predatory acts of sexual violence." WASH. REV. CODE § 71.09.020(1) (1990). "Predatory" is defined as "acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization." WASH. REV. CODE § 71.09.020(3) (1990).

10. According to a *Ms.* magazine national research project on acquaintance rape, one in four women were the victims of rape or attempted rape, and of those

this law is to provide mental health treatment for sex offenders, *all* sex offenders should be provided this "opportunity" for treatment. If the purpose of this law is to protect women and children, the law should focus on the population of offenders most likely to sexually assault them.

Moreover, by characterizing sex offenders as "mentally abnormal," the blame for sexual violence against women and children is placed entirely upon a few "sick" individuals, absolving society of any responsibility for a culture in which violence against women and children occurs at a frightening rate.¹¹

The issue of how to deal with criminals who commit repeated sexual assaults is currently a nationwide concern. Widespread publicity surrounding particularly egregious sexual crimes against children has led to public demands across the country for tougher laws for sexual offenses.¹² Consequently, a number of states have passed, or are considering, laws that mandate civil commitment for sex offenders.¹³ Washington's Sexually Violent

women, 84% knew their assailant and 57% were attacked while on dates. ROBIN WARSHAW, *I NEVER CALLED IT RAPE: THE MS. REPORT ON RECOGNIZING, FIGHTING AND SURVIVING DATE AND ACQUAINTANCE RAPE* 65 (1988), cited in Allison West, Comment, *Tougher Prosecution When the Rapist Is Not a Stranger: Suggested Reform to the California Penal Code*, 24 GOLDEN GATE U. L. REV. 169, 174 (1994).

According to a study of more than 2291 adult women in Cleveland, Ohio, one in 55 women was raped over the course of one year, and of these women, 39% were raped by husbands, partners, or relatives and only 17% were raped by total strangers. MARY P. KOSS & MARY R. HARVEY, *THE RAPE VICTIM: CLINICAL COMMUNITY INTERVENTION* 15 (2d ed. 1991).

Moreover, a study by the Justice Department found that the incidence of physical injury to a rape victim increased as the social relationship between the victim and the offender grew closer. BUREAU OF STATISTICS, U.S. DEP'T OF JUSTICE, *REPORT TO THE NATION ON CRIME AND JUSTICE* 22 (1983), cited in Cynthia Ann Wicktom, *Focusing on the Offender's Forceful Conduct: A Proposal for the Redefinition of Rape Laws*, 56 GEO. WASH. L. REV. 399, 416 (1988).

11. See *infra* note 37 and accompanying text.

12. In July 1994, seven-year-old Megan Kanka was raped and murdered in a suburban New Jersey town. Her attacker had been convicted of two sexual offenses in the past and was living in a home in the community with two other sex offenders. Within days of Megan's death, the governors of New Jersey and New York asked their state legislatures to pass community notification statutes, which require registration and public notification of convicted sex offenders. Lisa Anderson, *Demand Grows to ID Molesters: States Weigh Children's Safety Versus Offenders' Rights*, CHI. TRIB., Aug. 15, 1994, at 1. These states are also considering sexual predator civil commitment laws. See *infra* note 13.

13. On May 26, 1994, Wisconsin passed a sexual predator civil commitment law called the "Sexual Predator Act." Greg Rosenberg, MSW, *Chapter 980 — The Sexual Predator Act: Responding to State Expert Testimony*, WISCONSIN DEFENDER, July-Aug.-Sept. 1994, at 1. Three state judges have held that the "Sexual Predator Act" is unconstitutional under double jeopardy and *ex post facto* laws. *Id.*

Predator law has been used as the prototype for these civil commitment laws in other states.¹⁴

I. THE WASHINGTON LAW

Revised Code of Washington (RCW) Section 71.09 provides that if a jury determines, beyond a reasonable doubt, that an individual is a "sexually violent predator," then the individual can be civilly committed until he is "safe to be at large."¹⁵ A "sexually violent predator" is defined as "any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of violence."¹⁶ Individuals committed under this statute are sent not to mental institutions but to the "Special Commitment Center" at a prison in Monroe, Washington.¹⁷

The Washington Supreme Court upheld the constitutionality of the Sexually Violent Predator statute in *In re Young*.¹⁸ In this

On May 9, 1994, the governor of Kansas signed into law a sexual predator civil commitment statute. Kan. S.B. 525, 75th Leg., 2d Reg. Sess. (1994) (enacted). The language and structure of the statute is clearly modeled after the Washington law.

On July 1, 1995, the "Sexually Violent Predator Act" takes effect in Iowa. Iowa S.F. 2319, 75th Gen. Assembly, 2d Reg. Sess., secs. 43, 74 (1994) (enacted). Again, the language and structure of the statute closely resemble the Washington law.

On August 31, 1994, the Minnesota governor signed into effect a law that established commitment procedures for "sexually dangerous persons." Minn. H.B. 1, 78th Leg., 1st Spec. Sess. (1994) (enacted).

In addition, the following states are considering passing civil commitment laws to confine sex offenders: Alabama (Ala. H.B. 171, 1st Spec. Sess. (1994); Ala. S.B. 106, 1st Spec. Sess. (1994)), Florida (Fla. H.B. 2069, 13th Leg., 2d Reg. Sess. (1994)), Nebraska (Neb. L.B. 1319, 93d Leg., 2d Sess. (1994)), New Jersey (N.J. A.B. 109, 205th Leg., 2d Reg. Sess. (1993) (enacted)), New York (N.Y. A.B. 5515, 215th Gen. Assembly, 1st Reg. Sess. (1993); N.Y. S.B. 8879, 215th Gen. Assembly, 2d Reg. Sess. (1994)), Ohio (Ohio H.B. 396, 120th Gen. Assembly, 1993-94 Reg. Sess. (1994)), Pennsylvania (Pa. S.B. 1873, 178th Gen. Assembly, 1993-94 Reg. Sess. (1994)), Rhode Island (R.I. H.B. 8350, 1994 Reg. Sess. (1994)), and Vermont (Vt. S.B. 177, 62d Gen. Assembly, 1st Biennial Sess. (1993)).

14. See *supra* note 13.

15. WASH. REV. CODE § 71.09.060(1) (1990).

16. WASH. REV. CODE § 71.09.020(1) (1990).

17. Individuals committed under the Sexually Violent Predator statute are confined in a facility that is not "located on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population." WASH. REV. CODE § 71.09.060(3) (1990).

18. 857 P.2d 989 (Wash. 1993). For opinions on the constitutionality of the law, compare Robert C. Boruchowitz, *Sexual Predator Law — The Nightmare in the Halls of Justice*, 15 U. PUGET SOUND L. REV. 827 (1992) and John Q. La Fond, *Washington's Sexually Violent Predators Statute: Law or Lottery? A Response to Professor Brooks*, 15 U. PUGET SOUND L. REV. 755 (1992) with David Boerner, *Con-*

case, Andre Brigham Young, a convicted sex offender, challenged the law as criminal punishment in violation of double jeopardy and ex post facto laws. The supreme court rejected Young's argument, holding that the law did not violate double jeopardy or ex post facto laws because it was a civil and not a criminal statute. The supreme court also found that the statute did require proof of mental illness and, thus, did not violate Young's substantive due process rights.¹⁹ Robert Boruchowitz, Young's attorney and the director of King County's Public Defender Association, has filed a federal habeas petition challenging the constitutionality of the law under the federal constitution.²⁰

The Sexually Violent Predator law is unconstitutional under federal law because it is, in effect, a criminal statute that allows the state to preventively detain individuals.²¹ Individuals committed under this statute do not have a mental illness. The Washington State Psychiatric Association does not support the Sexually Violent Predator statute because the term "sexually violent predator" has no scientific basis.²² Moreover, individuals committed under this statute to the facility at Monroe do not receive mental health treatment.²³ As one critic of the statute noted:

fronting Violence: In the Act and in the Word, 15 U. PUGET SOUND L. REV. 525 (1992) and Norm Maleng, *The Community Protection Act and the Sexually Violent Predators Statute*, 15 U. PUGET SOUND L. REV. 821 (1992).

19. *In re Young*, 857 P.2d at 996.

20. *Young v. Weston*, No. C94-480C (W.D. Wash. 1994).

21. See La Fond, *supra* note 18 (arguing that the civil commitment statute violates the Constitution based on the requirements of *Foucha v. Louisiana*, 112 S.Ct. 1780 (1992)).

22. See James D. Reardon, M.D., *Sexual Predators: Mental Illness or Abnormality? A Psychiatrist's Perspective*, 15 U. PUGET SOUND L. REV. 849 (1992). The Washington State Psychiatric Association (WSPA) filed an amicus curiae brief in *In re Young*. Dr. Reardon testified on behalf of the WSPA before the state legislature to express the association's concerns about deficiencies in the proposed Sexually Violent Predators statute.

In drafting the statute, the Task Force created and defined a new mental disorder, "sexually violent predator," declaring it to be either a form of mental abnormality or a new type of personality disorder. The WSPA recognized that the American Psychiatric Association's *Diagnostic and Statistical Manual III-R* did not define any type of mental disorder called sexually violent predator.

Id. at 849 (citation omitted).

23. On March 28, 1994, a jury found that David Weston, superintendent of the Special Commitment Center, and William Dehmer, program director, were denying Richard Turay, a resident of the center, his right to constitutionally adequate mental health treatment. *Turay v. Weston*, No. C91-664WD, slip op. at 2 (W.D. Wash. June

Only the state of Washington punishes a sex offender fully, makes him pay a long and just debt to society and then, when he's about to leave the prison gates, recognizes the miraculous onset of mental abnormality and the sudden need for treatment. We should punish people for what they have done, not what we think they're going to do. In a word, we cannot accurately predict who is dangerous, nor can we treat people against their will.²⁴

Even if the Sexually Violent Predator statute is not a criminal statute, it is an unconstitutional civil statute because it does not require proof of mental illness for commitment.²⁵ In *Foucha v. Louisiana*, the Supreme Court held a Louisiana statute unconstitutional because the statute authorized the continued civil commitment of an individual found not guilty by reason of insanity who was dangerous but not mentally ill.²⁶ The Court found that:

[Louisiana's] rationale would permit the state to hold indefinitely any other insanity acquittee not mentally ill who could be shown to have a personality disorder that may lead to criminal conduct. The same would be true of any convicted criminal, even though he has completed his prison term. It would also be only a step away from substituting confinements for dangerousness for our present system which, with only narrow exceptions and aside from permissible confinements for mental illness, incarcerates only those who are proved beyond a reasonable doubt to have violated a criminal law.²⁷

Washington's Sexually Violent Predator law is an attempt to imprison sex offenders before they commit crimes. The legislature used a civil commitment proceeding to achieve this goal be-

3, 1994). Judge Dwyer, a District Court judge, awarded Turay injunctive relief to remedy this constitutional violation. *Id.* at 4-5. The court's findings and injunctive order illustrate the punitive nature of commitment under this statute.

24. *Nightline: Washington State's Sexual Predator Law* (ABC television broadcast, Apr. 26, 1991) (statement by John Q. La Fond, Professor, University of Puget Sound Law School) [hereinafter *Nightline*].

25. The findings of the legislature, listed in Revised Code of Washington § 71.09.010, explicitly state that:

[A] small but extremely dangerous group of sexually violent predators exist who do not have a mental disease or defect that renders them appropriate for the existing involuntary treatment act In contrast to persons appropriate for civil commitment under chapter 71.05 RCW, sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities and those features render them likely to engage in sexually violent behavior.

WASH. REV. CODE § 71.09.010 (1990).

26. *Foucha v. Louisiana*, 112 S.Ct. 1780 (1992).

27. *Id.* at 1787.

cause the criminal justice system requires the commission of a crime before incarceration. However, because the law does not require proof of a mental illness before commitment and does not provide treatment for individuals committed under the statute, it is, in effect, a criminal statute. As a criminal statute, the law violates double jeopardy and *ex post facto* laws. If the law is, in fact, a civil commitment law, then it is unconstitutional because it does not require proof of mental illness before commitment. Therefore, the Sexually Violent Predator law should be found unconstitutional under the federal Constitution.

II. THE "PREDATORY" REQUIREMENT

Washington's Sexually Violent Predator law does not adequately address the problem of sexual violence against women and children. Washington's governor, Booth Gardner, stated that this legislation is "for every child who has ever been abused" and "for every woman who has ever been attacked."²⁸ However, family and acquaintance offenders are specifically exempt from the statute. The statute defines "predatory" as "acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization."²⁹

[L]egislators were careful to exclude family-related sex crimes, fondlers and exhibitionists and to focus on men who prey on strangers, committing full-fledged rape. . . .

. . . .
 "You have to work hard to make sure it's a law that applies to the ones who deserve it If you make it too broad, you could potentially make everyone who commits a sex crime eligible."³⁰

The idea that men who "prey" upon strangers commit "full-fledged rape" and thus "deserve" commitment under this law suggests that men who sexually assault someone they know, such as their wives, are not committing "true" rape and do not deserve such punishment. By focusing legislation on individuals who prey upon strangers, legislators gloss over the massive problem

28. See *Nightline*, *supra* note 24 (showing Governor Gardner's statement made on Feb. 28, 1990).

29. WASH. REV. CODE § 71.09.020(3) (1990).

30. John Makeig, *Texas to Consider Special Curbs on Repeat Rapists; Washington's Lifetime Law Used as Model*, HOUS. CHRON., July 17, 1994, at C1, C2 (quoting Roxanne Lied, associate director at the Washington Institute for Public Policy, member of task force that wrote Washington's sexual predator law).

of sexual crimes committed by family members and acquaintances,³¹ while appearing to be tackling the issue of sexual violence.

Why did the Washington legislature choose not to make everyone who commits a sex crime eligible for civil commitment under this law? If they applied the civil commitment law to everyone who committed a sexually violent offense, an *enormous* number of individuals would be labeled "mentally ill" and institutionalized indefinitely. Therefore, to limit the scope of the law, legislators distinguished the majority of sex offenders — the family and acquaintance offenders — from "predatory" sex offenders by characterizing only this small group of "predatory" offenders as "mentally ill." Thus, while legislators appeared to be confronting the "problem" that the community had identified, they ignored the majority of individuals who commit sex offenses.³²

If the purposes of this statute are to provide treatment for mentally ill sex offenders and to protect women and children from these offenders,³³ then the predatory requirement defeats these purposes. If the goal of the sexual predator law is to treat mentally ill sex offenders, why are family and acquaintance offenders excluded? One response is that family and acquaintance offenders, unlike "predatory offenders," are more amenable to treatment.³⁴ In fact, Washington legislators explicitly recognized that "predatory" offenders "have antisocial personality features which are unamenable to existing mental illness treatment mo-

31. See *supra* note 10 and accompanying text.

32. *Id.* When Michael Elton Johnson, a twice-convicted sex offender, was released from jail, he was not civilly committed under the Sexually Violent Predator law because his previous sexual assaults had been against people he knew. One month after Johnson was released from jail, he attacked his wife and shoved a butcher knife down her throat. After Johnson's two-year sentence for this assault, Deputy Attorney General Greg Conova again declined to attempt to have Johnson civilly committed. Conova stated, "There was no sexual assault committed on his wife and she clearly was not a stranger, so it was not- it didn't add anything to the previous decline other than to show that he was continuing to be violent." Johnson's next victim was his girlfriend's daughter, whom he repeatedly raped at knifepoint. Johnson was still not a "sexually violent predator" under Washington law. This story prompted an interviewer to ask the proponents of the law, "Are you looking in the right place?" *Turning Point* (ABC television broadcast, Sept. 21, 1994) [hereinafter *Turning Point*].

33. "Although the ultimate goal of the statute is to treat, and someday cure those whose mental condition cause[s] them to commit acts of sexual violence, its immediate purpose is to ensure the commitment of these persons in order to protect the community." *In re Young*, 857 P.2d 989, 992 (Wash. 1993).

34. See Ruth Bonapace, *Can Sex Offenders Really Be Cured?*, N.Y. TIMES, Aug. 21, 1991, at 1.

dalities.”³⁵ But if family and acquaintance offenders are *more* amenable to treatment, they are the ideal candidates for civil commitment. Theoretically, they could be cured during a temporary stay at the Special Commitment Center and released back into their homes. It is anomalous that the legislature can defend the constitutionality of the statute by arguing that it is a civil statute (and thus does not violate double jeopardy or *ex post facto* laws) and that its purpose is to treat sex offenders, yet completely reject the idea of treatment in the application of the statute. The fact that predatory sex offenders *are not* amenable to treatment and that those who allegedly *are* amenable to treatment were excluded from the application of the statute suggests that treatment was not the true purpose of this law.

If the goal of the sexual predator law is to protect women and children, there is no reason to exempt family and acquaintance offenders from the application of the statute. Women and children in our society are more likely to be sexually assaulted by someone they know.³⁶ Therefore, when legislators search for solutions to the problem of sexual violence, they should focus on this population of offenders. At a minimum, they should not explicitly exclude this population from the application of their law.

If the sexual predator statute is an attempt to preventively detain criminals who have been released from prison, why did the Washington legislators choose civil commitment as the solution? One critic of the Sexually Violent Predator statute suggests that this choice enabled legislators to characterize sexual violence against women and children as the problem of a few “sick” individuals instead of a cultural, societal problem:

The Act apparently assumes that the violence it seeks to address is the product of illness and not of culture. . . . This message stops us from questioning the relationship between violence in our culture, particularly against women and children, and the violence on our streets. We may obtain some comfort by pointing to individuals who can inflict horrifying injuries on others, saying: “They are not like us”; “they are sick”; “they suffer a disease.” Yet in doing so we absolve ourselves of any responsibility for their “sickness.” And in doing that, we may cut ourselves off from the potential understanding of the problem and of the solution.³⁷

35. WASH. REV. CODE § 71.09.010 (1990).

36. See *supra* note 10.

37. Julie Shapiro, *Sources of Security*, 15 U. PUGET SOUND L. REV. 843, 847 (1992).

The problem of sexual violence against women and children is an enormous societal problem that must be confronted. Solutions to this problem should be effective but should not violate the constitutional rights of individuals. One possible solution is to require longer criminal punishments when a sex offender is initially convicted of a crime.³⁸ This would be a constitutional response that could be applied to *all* sex offenders. Another solution is to create an effective, workable parole system so that when sex offenders are released from prison, they are disciplined for violating their parole before they commit another offense. In addition, counseling should be available for juveniles with sexual dysfunctions. If we can identify these juveniles early on, counseling may be an effective way to prevent them from committing sexual offenses as adults.³⁹

The "predatory" requirement defeats the purposes of the sexual predator law. Neither treatment nor protection goals are served by this limitation on the application of the law. Instead of sexual predator laws, citizens should encourage legislators to seek alternative solutions that are effective in addressing sexual violence against women and children and that do not violate the constitutional rights of individuals.

CONCLUSION

As concern about the problem of sexual violence against women and children increases, radical solutions are becoming increasingly popular. Civil commitment laws may become an accepted method of imprisoning individuals who society is afraid may commit crimes. Sexual predator laws may be to the 1990s

38. See Beth K. Fujimoto, Comment, *Sexual Violence, Sanity, and Safety: Constitutional Parameters for Involuntary Civil Commitment of Sex Offenders*, 15 U. PUGET SOUND L. REV. 879 (1992).

The criminal justice system, with its requisite procedural protections, is the constitutionally appropriate means through which the goal of incapacitation can and should be effected.

Sex offenders should be punished—*severely*—for their crimes—through the criminal justice system. . . .

. . . .

We should not involuntarily commit sex offenders and subject them to disingenuous attempts at treatment.

Id. at 910–11 (citations ommitted).

39. Washington's Community Protection Act has created a program to provide therapy for juveniles who commit sex offenses. About 450 offenders between the ages of 6 and 14 have been ordered into this program. Dr. Kirk Johnson stated that programs such as this one, where counseling is provided at a young age, help to keep kids out of the criminal justice system as adults. *Turning Point, supra* note 32.

what drunk-driving legislation was to the 1980s.⁴⁰ Because Washington's Sexually Violent Predator statute is being used as a model for similar laws under consideration in legislatures across the country,⁴¹ the constitutionality and effectiveness of this statute must be carefully scrutinized.

Washington's civil commitment law is an unconstitutional, ineffective response to the problem of sexual violence against women and children. The Sexually Violent Predator statute is a result of society's desire to detain individuals who *might* be dangerous in the future. However, because this statute does not require proof of mental illness and does not, in effect, provide treatment, its result is criminal punishment in violation of double jeopardy and ex post facto laws.

A number of states that have adopted or are considering adopting a civil commitment statute similar to Washington's have also adopted Washington's "predatory" requirement.⁴² However, by focusing these statutes on a minority of those individuals who commit sexual offenses, society creates a false sense of security for women and children and discourages the search for alternative solutions that might truly address the entire problem of sexual violence. Moreover, sexual predator laws perpetuate the myth that men do not sexually assault women or children they know, or at least, when they do, it is not a crime worthy of the same punishment as those who sexually assault strangers. "Nothing arouses public fury more than a shocking sex crime. Yet the collective craving for both revenge and reassurance can lead to 'quick fix' answers that cause more harm than good."⁴³ Civil commitment laws for sexual predators are "quick fix" solutions that violate the constitutional rights of individuals and do not truly address the problem of sexual violence against women and children.

40. David A. Kaplan et al., *The Incurrigibles*, NEWSWEEK, Jan. 18, 1993, at 48.

41. See *supra* note 13.

42. See, e.g., Fla. Reg. H.B. 2069, 13th Leg., 2d Reg. Sess. § 775.23 (1994); Iowa S.F. 2319, 75th Gen. Assembly, 2d Reg. Sess. § 709C.2(2) (1994) (enacted); Kan. S.B. 525, 75th Leg., 2d Reg. Sess., sec. 2(c) (1994) (enacted), N.Y. A.B. 5515, 215th Gen. Assembly, 1st Reg. Sess. § 330.22(1)(b) (1993).

43. John Q. La Fond, *Washington State's Unconstitutional Reply to Sex Predators*, SEATTLE TIMES, May 30, 1991, at A9.

