

RCW 71.09.035 Sexually violent predator petition—Demands for documents.

(1) Whenever the prosecuting agency believes that any public agency, including any agency as defined in RCW 42.56.010, may be in possession, custody, or control of any original or copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situated, which is believed to be relevant to the determination of whether to seek the civil commitment of a person under this chapter, the prosecuting agency may, prior to the institution of a civil proceeding thereon, execute in writing and cause to be served upon such public agency, a civil investigative demand requiring such public agency to produce such documentary material and permit inspection and copying.

(2) Each demand executed under this section shall:

(a) State the relevant sections or subsections authorizing the issuance of the demand and further state that the demand is for the purpose of obtaining information to aid in a determination of whether to seek the civil commitment of a person;

(b) Describe the class or classes of documentary material to be produced with reasonable specificity so as fairly to indicate the material demanded;

(c) Prescribe a return date within which the documentary material is to be produced; and

(d) Identify the members of the prosecuting agency's staff to whom such documentary material is to be made available for inspection and copying.

(3) No demand executed under this section may:

(a) Contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum; or

(b) Require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this state.

(4) Service of any demand executed under this section may be made by delivering a copy consistent with the civil rules regarding the service of a subpoena duces tecum unless the public agency to whom the demand is directed to agrees otherwise.

(5) At any time before the return date specified in the demand, or within 20 days after the demand has been served, whichever period is shorter, a petition to extend the return date for, or to modify or set aside a demand issued under subsection (1) of this section, stating good cause, may be filed in the superior court for Thurston county, or in such other county where the public agency is situated. A petition by the public agency on whom the demand is served, stating good cause, to require the prosecuting agency or any person to perform any duty imposed by the provisions of this section, and all other petitions in connection with a demand executed under this section, may be filed in the superior court for Thurston county, or in the county where the public agency is situated or in such other county as may be agreed upon by the parties to such petition. The court shall have jurisdiction to impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions.

(6) Whenever any public agency fails to comply with any civil investigative demand for documentary material under this section, or whenever satisfactory copying or reproduction of any such material cannot be done and such public agency refuses to surrender such material, the prosecuting agency may file, in the trial court of

general jurisdiction of the county in which such public agency is situated, and serve upon such public agency a petition for an order of such court for the enforcement of this section, except that if such public agency is situated in more than one county such petition shall be filed in the county in which such public agency maintains its principal place of business, or in such other county as may be agreed upon by the parties to such petition. Whenever any petition is filed in the trial court of general jurisdiction of any county under this section, such court shall have jurisdiction to hear and determine the matter presented and to enter such order or orders as may be required to carry into effect the provisions of this section, and may impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions.

(7) This section shall not be applicable to criminal prosecutions. [2025 c 48 s 2.]