

HOUSE BILL REPORT

SHB 2545

As Passed Legislature

Title: An act relating to sex offender notification.

Brief Description: Imposing additional notice requirements upon release of a sex offender.

Sponsors: By House Committee on Corrections (originally sponsored by Representatives Sehlin, Sheahan, Goldsmith, Robertson, L. Thomas, Mulliken, Sheldon, McMahan, Conway, Costa, Patterson, Chopp, Ogden, Hatfield, Hickel, Campbell, Mitchell, Morris, Johnson, Hymes, Thompson, Silver and McMorris).

Brief History:

Committee Activity:

Corrections: 1/24/96 [DPS];
Appropriations: 2/3/96 [DPS(COR)].

Floor Activity:

Passed House: 2/8/96, 97-0.
Senate Amended.
House Concurred.
Passed Legislature.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; Schoesler and D. Sommers.

Staff: Rick Neidhardt (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Corrections be substituted therefor and the substitute bill do pass. Signed by 28 members: Representatives Huff, Chairman; Clements, Vice Chairman; Pelesky, Vice Chairman; H. Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Dyer; Foreman; Grant; Hargrove; Hickel; Kessler; Lambert; Linville; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott and Wolfe.

Staff: Dave Johnson (786-7154).

Background: Public Notification Regarding Sex Offenders. Public agencies are authorized to inform the public about sex offenders when doing so is necessary for public protection. This notification usually is left to the discretion of local law enforcement agencies. If an agency decides to notify the public, the agency is required to make a good faith effort to give the public at least 14 days' notice before the offender's release.

In order for local law enforcement agencies to have the necessary information to make this decision, some state agencies are required to give advance notice to local law enforcement agencies prior to releasing sex offenders from confinement. For example, the Department of Corrections (DOC) and the Juvenile Rehabilitation Administration (JRA) are each required to give at least 30 days' advance notice to a local law enforcement agency before releasing a sex offender.

County Jails. Unlike DOC and JRA, county jails are not required by current law to notify any law enforcement agencies when they are about to release a sex offender.

Release and supervision of sex offenders. DOC supervises sex offenders, including some who are convicted of "sexually violent" offenses. Sexually violent offenses are a subset of the category of sex offenses.

DOC's discretionary decisions regarding the supervision of sexually violent offenders are to be based on considerations of public safety risk rather than the legal category of the sentences.

When a sex offender is about to be released to community placement, the offender's proposed residential location and living arrangements are subject to DOC's prior approval, and DOC's restrictions may continue during the period of community placement.

When a sex offender's release is pending, DOC is required to notify certain individuals and agencies of the pending release. The individuals entitled to notice include: the victim; any witnesses who testified against a violent offender; and persons specified in writing by the prosecutor.

Summary of Bill: County Jails. When an inmate is incarcerated in a county jail for a sex offense, the jail must obtain from the inmate the county where the inmate will reside upon release.

For any sex offender confined in a county jail who upon release will reside in another county, the jail's chief officer must notify the other county's chief law enforcement agency at least 14 days prior to the offender's release. If the county jail officials do not know a sex offender's release date at least 14 days in advance, the jail's chief officer shall provide the notice no later than the day after the release.

Release and supervision of sex offenders. DOC is required to make all discretionary decisions regarding sex offender supervision and release plans based on assessment of public safety risks.

DOC must implement a policy on sex offender release plans that (a) creates a formal process for public input regarding the safety risks of particular offenders and (b) provides for notification of certain people regarding a sex offender's proposed residence.

For sex offenders who offended against minor victims, DOC must reject release addresses that would place the offender in the same home or within close proximity to minor victims or children of similar age and circumstance of previous victims who may be put at substantial risk of harm by the placement. Also, DOC may reject, for sex offenders who offended against minor victims, release addresses within close proximity to vulnerable populations.

DOC, when requiring supervised contact as a condition of community placement, must consider several specified criteria before approving the supervisor.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Corrections) Local law enforcement agencies need advance notice before sex offenders are released from confinement. Sex offenders who are confined in jails can be as dangerous as those who are confined in state prisons. This is sometimes due to the difficulty of proving more serious charges that would have resulted in a state prison sentence. The Department of Corrections gives "teletype" notice to local law enforcement 30 days before any sex offender is released and issues special bulletins on particular sex offenders approximately 14 days before they are released. (This testimony was received on HB 2282, which differed from HB 2545 only as to the formal bill title.)

(Appropriations) None.

Testimony Against: (Corrections) None.

(Appropriations) None.

Testified: (Corrections) Representative Barry Sehlin, prime sponsor; Owen Burt and Dee Johnson, Island County Sheriff's Office (pro); and Victoria Roberts, Department of Corrections (providing background information). (These witnesses testified on HB 2282, which differed from HB 2545 only as to the formal bill title.)

(Appropriations) None.