

HOUSE BILL REPORT

SHB 2545

As Amended by the Senate

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 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 and the Juvenile Rehabilitation Administration 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 the Department of Corrections and the Juvenile Rehabilitation Administration, county jails are not required by current law to notify any law enforcement agencies when they are about to release a sex offender.

Classification of Sex Offenders. The extent to which the public is notified about a particular sex offender depends on how the local law enforcement agency classifies that offender. The local law enforcement agency classifies the offender as a Level I, II, or III offender based on the agency's perception of the risk to the public. The various levels of risk and the corresponding methods of notification are as follows:

- Level I sex offenders (lowest risk): Notification is limited to law enforcement agencies;
- Level II sex offenders (moderate risk): In addition to the notification allowed for Level I, notification may also be sent to schools, neighbors, and community group;
- Level III sex offenders (highest risk): In addition to the notification allowed for Levels I and II, notification may also involve use of the news media.

Because this classification is left to the discretion of local officials, the classification of offenders varies across the state. For example, a Level I offender in one part of the state might be differently classified in another part of the state.

Department of Corrections. The Department of Corrections, through its End of Sentence Review Committee, reviews the department's sex offenders prior to their release. This committee reviews the available information to determine whether the

offender's release merits a more detailed notice being sent to the law enforcement agency than the routine 30-day notice that the department sends, as noted above. When appropriate, special notices are issued to law enforcement agencies that provide greater information about the offender's danger to the public.

These special notices, however, do not include any recommendation as to whether the sex offender is best classified as a Level I, II, or III offender.

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.

Department of Corrections. Any special notice that the department issues to local law enforcement agencies shall include a non-binding recommendation as to the sex offender's proper classification as a Level I, II, or III offender. Because the recommendation is non-binding, the local law enforcement agency will still retain the discretion to classify the offender.

EFFECT OF SENATE AMENDMENT(S):

The amendment makes the following changes:

- (1) removes the requirement that DOC make non-binding recommendations in their special bulletins to local law enforcement agencies regarding the classification of sex offenders as Level I, II or III;
- (2) requires DOC to make all discretionary decisions regarding sex offender supervision and release plans based on assessment of public safety risks;
- (3) requires DOC to 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;
- (4) requires DOC to reject release addresses that would place an offender in the same home or within close proximity to minor victims or children of similar age and circumstance of the previous victims who may be put at substantial risk of harm by the placement;

- (5) allows DOC to reject, for sex offenders who offended against minor victims, release addresses within close proximity to vulnerable populations; and
- (6) directs DOC, when requiring supervised contact as a condition of community placement, to 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.