

SENATE BILL REPORT

SHB 2545

As Reported By Senate Committee On:
Human Services & Corrections, February 23, 1996

Title: An act relating to sex offender notification.

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

Sponsors: 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: Human Services & Corrections: 2/20/96, 2/23/96 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Thibaudeau and Zarelli.

Staff: Andrea McNamara (786-7483)

Background: The Department of Corrections (DOC) and the Department of Social and Health Services Juvenile Rehabilitation Administration (JRA) are required to give local law enforcement 30 days' advance notice of the release of sex offenders into the community from their facilities.

County jails are not required by current law to make the same notifications when releasing sex offenders from jail.

The advance notice is designed to give local law enforcement sufficient time to evaluate the level of risk posed by the sex offender and to make public notifications when doing so is deemed necessary for public protection.

The extent to which the public is notified about a particular sex offender depends on how the local law enforcement agency classifies that offender. Classifications include Level I for the lowest risk offenders (in which case notice is limited to law enforcement agencies); Level II for moderate risk offenders (notice may also be made to schools, neighbors, and community groups); and Level III for the highest risk offenders (notice may further involve the use of news media).

Because the classification is left to the discretion of local law enforcement, classification and notification practices vary across the state. For instance, a sex offender classified as Level

I in King County may have received a Level II or Level III classification in another part of the state.

Since the Community Protection Act was passed in 1990, the Department of Corrections has utilized an End of Sentence Review Committee (ESRC) to review all sex offenders prior to their release to determine whether an individual sex offender's release merits a more detailed notice than the routine messages sent via teletype to local law enforcement and the state patrol.

When appropriate, the ESRC issues special bulletins to provide greater information about the offender's history and potential danger to the public. The special bulletins do not, however, include any recommendation as to whether the sex offenders are most appropriately classified as Level I, II, or III offenders in relation to other sex offenders released from DOC.

Summary of Amended Bill: Jail administrators are required to obtain from jail inmates who are subject to sex offender registration requirements, information about the county in which the sex offender intends to reside upon release from jail.

If the release residence is in a county other than the county of incarceration, the jail administrator must notify the sheriff of the county where the offender plans to reside. The notification is to be made at least 14 days prior to the offender's expected release date, or if the release date is not known 14 days in advance, then notice must be given not later than the day after the offender's release.

The Department of Corrections (DOC) is directed to implement a policy governing its evaluation and approval of release plans for sex offenders. The policy must include a process for input by victims, witnesses, and other interested people. It must also provide for notice of the proposed residence to be given to people registered to receive notice of release.

DOC is required 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 previous victims who may be put at substantial risk of harm by the placement. DOC may also reject addresses within close proximity to vulnerable populations.

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

Amended Bill Compared to Substitute Bill: The amendment strikes the requirement for the Department of Corrections to include nonbinding recommendations as to a sex offender's proper classification when it issues a special bulletin to local law enforcement.

The amendment also adds the requirement for the department to make additional notifications to people who request them and to implement a plan for evaluating and approving release plans for sex offenders.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Sex offenders are often sentenced to local jails instead of prison, many of whom pose significant risks to their communities upon release. Because there is currently no requirement that jails notify law enforcement of the release of sex offenders, law enforcement is not able to assess their risk and do the necessary public notifications.

Testimony Against: None.

Testified: Representative Barry Sehlin, original prime sponsor.