

SENATE BILL REPORT

SB 6620

As Reported By Senate Committee On:
Human Services & Corrections, February 1, 1996

Title: An act relating to released sex offenders.

Brief Description: Requiring released sex offenders to live at least fifty miles away from their minor victims.

Sponsors: Senators Quigley and Oke.

Brief History:

Committee Activity: Human Services & Corrections: 1/23/96, 2/1/96 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6620 be substituted therefor, and the substitute bill do pass.

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

Staff: Andrea McNamara (786-7483)

Background: When a sex offender is sentenced under current law, the court has the option of imposing an order to require the offender to remain within or outside specified geographic boundaries and/or to prohibit contact with specified individuals. Current law also authorizes the Department of Corrections, under certain circumstances, to approve or deny a sex offender's release address. These restrictions generally last only as long as a sex offender is required to be under supervision by the department.

It has been suggested that more restrictions are necessary to protect vulnerable populations such as children from sex offenders who reside in the community.

Offenders convicted of sex offenses against minor victims are required, as part of the judgment and sentence, to comply with terms and conditions imposed by the Department of Corrections (DOC) regarding contact with minors.

Summary of Substitute Bill: Offenders convicted of sex offenses against minor victims are required, as part of the judgment and sentence, to comply with terms and conditions imposed by the Department of Corrections (DOC) regarding contact with minors.

Under limited circumstances, the court is authorized to modify, add, or extend any conditions of the sentence for up to the maximum allowable sentence for the crime. The limited circumstances require: (1) recommendation must be made by DOC; (2) the court

must find, by clear and convincing evidence, the modification, addition, or extension is necessary to reduce the likelihood of reoffense; and (3) periodic reviews must be specified.

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.

The department 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.

The Department of Social and Health Services is required to adopt rules addressing public safety concerns relating to minimum standards for security and staff of "less restrictive alternative" placements for sexually violent predators who are conditionally released by the court from the Special Commitment Center.

The court is required to impose a condition prohibiting the conditionally released person from living within a specified distance from a minor victim. DOC is also required to investigate the proximity of the proposed residence to prior victims and other facilities with vulnerable populations.

Substitute Bill Compared to Original Bill: The substitute requires the judge to specify how far an offender's residence must be from a victim's home or other facilities with vulnerable populations, rather than imposing a 50 mile limit as the original bill did.

The substitute also incorporates, with revisions, the provisions of SB 6622 and SB 6227.

Appropriation: None.

Fiscal Note: Requested on January 19, 1996.

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

Testimony For (original bill): DSHS Special Commitment Center is supportive of the bill's intent to provide greater community protections through more controls over the residences of sex offenders and sexual predators living in communities.

Testimony Against (original bill): None.

Testified: David Weston, Special Commitment Center, Department of Social and Health Services (pro).