

# HOUSE BILL ANALYSIS

## HB 1456

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**Title:** An act relating to sex offenders.

**Brief Description:** Forbidding certain sex offenders to live near schools or day care centers upon their release back into the community.

**Sponsors:** Representatives Koster and Robertson.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Yvonne Walker (786-7841)

**Background:** Schools. The term schools– is defined as including all public and private K-12 schools and day-care centers.

Residence Restrictions. The Community Protection Act of 1990 authorizes local law enforcement agencies to notify local communities regarding the release of sex offenders when it is necessary for public protection.

Each county has the discretion on how they would like to handle this process.

The Washington Association of Sheriffs and Police Chiefs (WASPC) issued recommendations to each county law enforcement agency providing a general description on how local law enforcement agencies could begin handling this sex offender notification process. Under the WASPC's notification standards, sex offenders are grouped into one of three notification levels:

- Level I - sex offenders that provide the least risk or minimal risk to local communities. All information regarding this type of sex offender is maintained within the police department and may be disseminated to other appropriate law enforcement agencies.
- Level II - sex offenders that are considered intermediate risks to communities. Includes all of the actions within Level I. Schools and neighborhood groups may be notified. The schools and neighborhood groups are then responsible for individual dissemination to their local communities at their discretion.
- Level III - sex offenders that are re-offenders and are considered a high risk to local communities. Includes all of the actions within Level I and Level II. Public is notified through press releases.

Individual counties determine the scope of each notification level. Every county also has the discretion

in which notification level a sex offender will be classified.

Department of Correction's responsibility. Currently there are no state specifications on where a sex offender can live upon being released to the community. The Department of Corrections, however, has authority to impose residential location and arrangement restrictions as part of any term of community placement imposed for sex offenders.

**Summary:** Schools. The term schools– is expanded to include any post-secondary school of education including colleges, universities, and vocational educational schools.

Residence Restrictions. A sex offender under a term of community supervision or community placement meeting the criteria of a level three notification by a local law enforcement agency is prohibited from maintaining residence within a half mile radius of the perimeter of school property.

Department of Correction's responsibility. Prior to a sex offender's release, the Department of Corrections must identify where the sex offender plans to reside and then notify the local law enforcement agency within that community. If the local law enforcement agencies categorizes the sex offender as a potential level III risk then the department shall disapprove the prospective residence as part of the offender release plan.

**Require the Exercise of Rule- Making Powers:** No

**Fiscal Note:** Requested on February 4, 1997.

**Effective Date:** This bill contains an emergency clause and takes effective immediately.