

***Criminal Justice & Corrections***

***HB 1270***

***Brief Description:*** *Limiting access to victims by persons charged with sex offenses.*

***Sponsors:*** *Representatives Woods, Lovick, Ballasiotes, Bush, O'Brien, Cairnes, Rockefeller, Boldt and Conway.*

***Brief Summary of Bill***

- *Requires the court to issue a no-contact order at the arraignment of any defendant who is being charged with a sex offense.*
- *Requires the Department of Corrections and the Indeterminate Sentence Review Board to impose a no-contact requirement as a condition of any release of a sex offender.*

***Hearing Date:*** *1/29/01*

***Staff:*** *Katy Freeman (786-7386).*

***Background:***

*Generally, a no-contact order prohibits a defendant from contacting the victim or other specified persons. A no-contact order may be issued by a court in a criminal proceeding for crimes of harassment and domestic violence. The order is generally issued by a court when a defendant is released from custody prior to trial or as a part of the defendant's sentence. A no-contact order is not issued automatically.*

*The Indeterminate Sentence Review Board (ISRB) is a three-member citizen board which acts as a quasi-judicial body over the population of offenders who committed their crimes before July 1, 1984. One of the functions of the ISRB is to manage the paroled offender*

*by setting the parole conditions and imposing sanctions for parole violations. Sanctions vary depending on the offender's crime and the number and seriousness of the parole violations.*

*Offenders who committed their crimes on or after July 1, 1984, are subject to community custody. Community custody begins either upon completion of the term of confinement or when the offender is transferred to community custody in lieu of earned release. The Department of Corrections (DOC) may establish conditions based on an assessment of public safety risk, for persons who are serving community custody.*

***Summary of Bill:***

*At the arraignment of any defendant who is being charged with a sex offense and upon the filing of an information charging a juvenile with a sex offense, a court is required to issue a no-contact order as a condition of any pretrial release.*

*The no-contact order must prohibit the defendant from:*

- having any contact with the alleged victim; and*
- initiating contact with any other member of the alleged victim's family.*

*The no-contact order must include a provision that the defendant shall not:*

- knowingly reside within one mile of the residence of the alleged victim; or*
- knowingly come within 1,000 feet from the residence of the alleged victim; or*
- knowingly remain within 1,000 feet from the residence of the alleged victim.*

*Generally, when an adult offender is charged with wilfully violating the no-contact order issued under this section, the penalty is a gross misdemeanor. However, when the offender has committed a specified assault or reckless endangerment in violation of the court order, the penalty is a class C felony. Additionally, when the offender has had at least two prior convictions for violating a protection order, the penalty is a class C felony.*

*The clerk of the court is required to forward a copy of the order to the appropriate law enforcement agency when a no-contact order is either issued, modified, or terminated. The law enforcement agency who receives the copy of the order is required to enter the order into any computer-based criminal intelligence information system for one year or until the expiration date specified on the order. The law enforcement agency is required to remove the order from the computer-based criminal intelligence information system upon receipt of notice that an order has been terminated.*

*Furthermore, the DOC and the ISRB must impose a no-contact requirement as a condition of any release of a sex offender.*

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

***Appropriation: None.***

***Fiscal Note: Available.***