
Criminal Justice & Corrections Committee

2EHB 2168

Brief Description: Regulating siting of essential state community justice facilities.

Sponsors: Representatives Conway (co-prime sponsor), Schoesler (co-prime sponsor), O'Brien, Ballasiotes, Darneille, Kirby and Hunt.

Brief Summary of Second Engrossed Bill

- Requires the development of a list of counties that may contain juvenile or work release facilities.
- Requires the Department of Social and Health Services (DSHS) and the Department of Corrections (DOC) to consider certain factors to provide for the equitable distribution of juvenile or work release facilities when developing the list.
- Requires the DSHS and the DOC to work with local governments to provide for the equitable distribution of juvenile and work release facilities within the counties on the list.
- Expands public notice and hearing requirements for siting juvenile or work release facilities.

Hearing Date: 1/23/02

Staff: Jim Morishima (786-7191).

Background:

I. Juvenile Rehabilitation Administration Facilities

The DSHS, through its Juvenile Rehabilitation Administration (JRA), operates or contracts for community facilities or group homes for certain juveniles committed to the JRA as a result of a criminal offense. If more than three potential sites for a facility are identified, the DSHS or its contracting entity must hold at least two public hearings in each of the affected communities. Once a final site has been selected, at least one additional public hearing must be held. If the DSHS is under negotiations with a service provider and only one site is being

considered, at least two public hearings must be held.

The DSHS or its contracting entity must provide at least fourteen days' advance notice of the meeting to:

- All newspapers of general circulation in the community;
- All radio and television stations generally available to persons in the community;
- Any school district in which the facility would be sited or whose boundary is within two miles of a proposed facility;
- Any library district in which the facility would be sited;
- Local business or fraternal organizations that request notification; and
- Any person or property owner within a one-half mile radius of the proposed facility.

II. Work Release Facilities

The DOC operates and contracts for work-release facilities throughout the state. Once potential sites are narrowed to three or less, the DOC or its contracting entity must conduct public hearings in the affected communities. Once a final site has been selected, at least one additional public hearing must be held.

The DOC or its contracting entity must provide notice of the hearings to:

- All newspapers of general circulation in the local area and all local radio stations, television stations, and cable networks;
- Appropriate school districts, private schools, kindergartens, city and county libraries, and all other local government offices within a one-half mile radius of the proposed site or sites;
- The local chamber of commerce, local economic development agencies, and any other local organizations that request notification; and
- All residents or property owners within a half-mile radius of the proposed site or sites (in writing).

Summary of Second Engrossed Bill:

I. Juvenile Rehabilitation Administration Facilities

The DSHS must provide a list every six years of counties in which JRA facilities may be sited to the OFM. In preparing the list, the DSHS must make substantial efforts to provide for the equitable distribution of the facilities by giving great weight to the following factors:

- The locations of existing DSHS residential facilities in each county;
- The locations of projected DSHS residential facilities in each county;
- The number of level II and III juvenile sex offenders and juvenile sex offenders registered as homeless per thousand persons residing in each county;
- The number of juvenile violent offenders under parole or probation per thousand persons residing in each county; and
- The number of juvenile offenders sentenced or adjudicated in the county per thousand persons residing in the county.

Before completing the list, the DSHS must consult with local officials and conduct one public hearing in each affected county. The DSHS must develop a mapping system to identify the

locations of existing and projected facilities. The DSHS must also publish an annual report that includes a map of existing and projected facilities and the offender rates for the counties and jurisdictions of the state. The DSHS must adopt rules on facility criteria in consultation with local governments.

In identifying potential sites for a JRA facility within a county, the DSHS must work with local governments to provide for the equitable distribution of such facilities in the jurisdictions and neighborhoods throughout the county. The DSHS and local governments must give great weight to the same equitable distribution criteria the DSHS must consider when developing the six-year list.

The list of persons and entities the DSHS must notify of public hearings when siting a JRA facility is expanded to include:

- Affected counties, cities, and towns;
- Local government planning agencies in the affected communities;
- Private schools, kindergartens, and institutions of higher education;
- All local government offices within a one-half mile radius of the proposed site or sites; and
- Local chambers of commerce, local economic development agencies, and local organizations who request notification.

Public hearings must be conducted at least 45 days before a final decision is made. The department must consider testimony received at the public hearings and must issue a written analysis of the final selection. If local land use regulations require public notice and hearings, the DSHS is not obligated to conduct public hearings to the extent that they would be duplicative.

II. Work Release Facilities

The DOC must provide a list every six years of counties in which work release facilities may be sited to the OFM. In preparing the list, the DOC must make substantial efforts to provide for the equitable distribution of the facilities by giving great weight to the following factors:

- The locations of existing DOC residential facilities in each county;
- The locations of projected DOC residential facilities in each county;
- The number of level II and III adult sex offenders and adult sex offenders registered as homeless per thousand persons residing in each county;
- The number of adult violent offenders under parole or probation per thousand persons residing in each county; and
- The number of adult offenders sentenced or adjudicated in the county per thousand persons residing in the county.

Before completing the list, the DOC must consult with local officials and conduct one public hearing in each affected county. The DOC must develop a mapping system to identify the locations of existing and projected facilities. The DOC must also publish an annual report that includes a map of existing and projected facilities and the offender rates for the counties and jurisdictions in the state. The DOC must adopt rules on facility criteria in consultation with local governments.

In identifying potential sites for a work release facility within a county, the DOC must work with local governments to provide for the equitable distribution of such facilities in the jurisdictions and neighborhoods throughout the county. The DOC and local governments must give great weight to the same equitable distribution criteria the DOC must consider when developing the six-year list.

The list of persons and entities the DOC must notify of public hearings when siting work release facilities is expanded to include:

- Affected counties, cities, and towns;
- Local government planning agencies in the affected communities; and
- Institutions of higher education;

Public hearings must be conducted at least 45 days before a final decision is made. The department must consider testimony received at the public hearings and must issue a written analysis of the final selection. If local land use regulations require public notice and hearings, the DOC is not obligated to conduct public hearings to the extent they would be duplicative.

Appropriation: None.

Fiscal Note: Original is available. Second Engrossed requested on January 23, 2002.

Effective Date: The bill contains an emergency clause and takes effect immediately.