

HOUSE BILL REPORT

SSB 6325

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to establishing residence restrictions for sex offenders.

Brief Description: Establishing residence restrictions for sex offenders.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Kline, Fairley, Stevens, Rasmussen and McAuliffe).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/17/06, 2/23/06 [DP].

Brief Summary of Substitute Bill

- Removes the expiration date for provisions that prohibit certain sex offenders from living in close proximity to schools.
- Preempts local ordinances on the same subject matter.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 4 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Kirby and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member and Strow.

Staff: Jim Morishima (786-7191).

Background:

Offenders who commit a first "two-strikes" offense are subject to "determinate-plus" sentencing. A court must sentence such an offender to a minimum term and a maximum term. The minimum term is generally equal to the standard range sentence. The maximum term is equal to the statutory maximum for the offense: life for class A felonies, 10 years for class B felonies, and five years for class C felonies.

The Indeterminate Sentence Review Board (ISRB) must evaluate the offender prior to the expiration of the minimum term. The ISRB must order the release of the offender upon expiration of the minimum term unless the offender is likelier than not to commit a sex

offense if released. If the ISRB does not release the offender, it must re-evaluate the offender at least once every two years up to the offenders maximum term. If the ISRB releases the offender, the offender will be on community custody status for the remainder of his or her maximum term.

I. Community Protection Zones

An offender sentenced to a determinate-plus sentence for a two-strikes offense committed against a minor victim is prohibited from living within a "community protection zone" for the duration of his or her term of community custody. A community protection zone is the area within two blocks of a public or private school. The legislation creating these living restrictions terminates on July 1, 2006.

II. Local Restrictions

Recently, local governments have begun to enact ordinances that limit where a registered sex offender may live. For example, in August of 2005, the City of Issaquah enacted an ordinance that prohibited registered level II and III sex offenders from living near facilities such as schools and day-care centers. In November of 2005, the City of Monroe enacted a similar ordinance.

Summary of Bill:

I. Community Protection Zones

The expiration date is repealed for the prohibition against "two-strikes" offenders residing within community protection zones.

II. Local Restrictions

The provisions of law dealing with community protection zones supersede and preempt all rules, regulations, codes, statues, and ordinances of all cities, counties, municipalities, and local agencies regarding the same subject matter.

Appropriation: None.

Fiscal Note: Available on HB 2700.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) It is not in the best interest of the state to have a patchwork quilt of regulations on where sex offenders may live. Jurisdictions may try to "one-up" each other, which may lead to offenders going underground, becoming homeless, or residing in areas where there is less access to jobs, law enforcement, treatment, and other support systems. Other states are finding that severely limiting where an offender may live actually makes

communities less safe. This bill creates a statewide policy on this issue and takes away pressure on local officials.

(Concerns) This bill takes away the ability of local governments to enact their own ordinances, which represents a curtailment of their police powers. There is no race to the most restrictive ordinances; only two cities have enacted ordinances so far. Local governments face unique challenges that are best addressed on the local level. This bill does not address the issue of where sex offenders should live and the issue of homeless offenders. The effectiveness of this legislation should be tracked.

Testimony Against: None.

Persons Testifying: (In support) Senator Regala, prime sponsor; Todd Bowers, Office of the Attorney General; Sophia Byrd-McSherry, Association of Counties; and Seth Dawson, Washington State Coalition for the Homeless and Washington State Association of Children's Advocacy Centers.

(In support with concerns) Christi Hurt, Washington Coalition of Sexual Assault Programs.

(Concerns) Tammy Fellin, Association of Washington Cities; and Jim Southworth, City of Monroe.

Persons Signed In To Testify But Not Testifying: None.