

HOUSE BILL REPORT

HB 1232

As Reported by House Committee On: Public Safety

Title: An act relating to conditions under which the department of corrections provides rental vouchers to a registered sex offender.

Brief Description: Asserting conditions under which the department of corrections provides rental vouchers to a registered sex offender.

Sponsors: Representatives Sells, Zeiger, Morrell, Hayes, McCoy, Klippert, Fey, Holy, Jinkins and Smith.

Brief History:

Committee Activity:

Public Safety: 1/29/13, 2/14/13, 2/21/13 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Corrections (Department) to create a list of approved housing providers who can accept housing vouchers for registered sex offenders and to notify local governments when a provider is put on the list.
- Creates a process for local governments to request removal of the housing provider from the list.
- Requires the Department to verify that offenders who are using the vouchers in a home with four or more individuals are utilizing programs or services.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

Minority Report: Do not pass. Signed by 2 members: Representatives Roberts, Vice Chair; Appleton.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Sarah Koster (786-7303).

Background:

Offenders committed to a correctional facility operated by the Department of Corrections (Department) earn early release time for good behavior and good performance. The percentage of the sentence which can be earned varies depending on the circumstances of the offender's underlying offense and date of conviction. Offenders subject to community custody shall be under the supervision of the Department upon release.

Before an offender may be released early from confinement to community custody, the Department must approve the offender's release plan. The release plan includes the specific residence and living arrangements of the offender. The Department can deny the offender's release plan (and his or her release) if the Department determines that the plan places the community or specific victims at risk, if it violates the terms of supervision, or if it places the offender at risk to reoffend or to violate the conditions of supervision.

The Department can provide rental vouchers to the offender for a period of up to three months if the rental voucher will result in an approved release plan. The voucher must be provided in conjunction with transition support programming or services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, education programming or employment programming.

Summary of Substitute Bill:

The bill restricts payment of vouchers for sex offenders to housing providers on the Department's list of providers. The Department must notify a city's chief law enforcement officer and county law and justice council every time a housing provider is added to the list in that county.

In granting vouchers, the Department must give preference to housing providers who provide a small, family-oriented living environment. If an offender moves into a home housing four or more individuals, the Department must provide transition support that verifies an offender is participating in programming or services including, but not limited to, substance abuse treatment, mental health treatment, education programming, development of positive living skills, or employment programming. The Department must consider the compatibility of the proposed offender housing with the neighborhood.

If local regulation requires a certificate of inspection and there is no current certificate, the local government must issue or deny (on valid grounds) a certificate in 10 days, or the regulation is deemed satisfied.

A city or county's law and justice council may request that a housing provider be removed from the Department's list if:

- the housing is in a neighborhood with an existing concentration of special needs housing (retirement homes, assisted living, emergency or transitional housing, or adult family homes);
- the housing does not comply with building codes or zoning and development regulations; or
- the housing provider refuses to allow inspections or otherwise comply with requirements.

If the provider cannot demonstrate in 10 days that it does meet the disputed requirements, it will be removed from the list.

Substitute Bill Compared to Original Bill:

The substitute bill: (1) inserts a requirement that the Department create a list of approved housing providers who can receive vouchers and allows cities to contest a provider's inclusion; (2) removes the provision requiring notice to cities of the specific offenders moving into a residence; (3) removes restrictions on location and occupancy rates of offender housing; and (4) requires that the Department verify that offenders who use the vouchers in a residence with four or more offenders are utilizing programs or services.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 19, 2013.

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

Staff Summary of Public Testimony:

(In support) Back in 2006 the Legislature did not allow the community to participate in sex offender housing decisions. This was fine until 2012, when these group houses for multiple sex offenders were developed. In Marysville, locals were not even able to examine the housing to make sure it was safe. This bill is not an effort to reduce housing for sex offenders; it is acknowledged that they need someplace to live. This should not allow for locals to drag out the process. There are houses now with 10 sex offenders of various levels. This destroys neighborhoods. This is a serious situation in communities across the state. This bill is a modest attempt to address the problem through the state voucher system, in which state taxpayer money is being used. This leaves homes valueless, with the owners unable to rent or sell. Sex offenders should not be put into a "brain pool" to strategize how to commit new offenses without getting caught. It is using the people's money against them to allow them to use vouchers. One home in Puyallup is within one mile of six schools. The voucher system encourages offenders to consort with each other, even though it is dangerous for their success and community safety. This bill is better for offenders. Neighbors are collateral damage in this system. This bill is designed to bring accountability to the program, not to reduce sex offender housing stock.

(In support with concerns) The piece that needs work is community involvement. There are concerns that this puts the onus on local governments to fix this problem. Specifically, the certificate of inspection is a new responsibility for locals with no teeth. Let us look at the pressure put on the Department to meet early release dates. In 2008 and 2009 there were 1,200 offenders in the facility past their earned release date. The Department developed the voucher program to issue the vouchers for up to \$1,500 for a three-month period. The majority go back to their county of origin. Most of the problems discussed today would not be affected by this law, because those offenders are past the community custody period, let alone the voucher period. The Washington State University did a study of the voucher program published a few months ago, which found that it was a good use of taxpayer money because it reduced recidivism. There are concerns about tying legislation to a leveling decision, because that is a fluid determination, not a fixed category.

(Opposed) The testimony describes a problem but the bill does not provide a solution. Studies show that sex offenders living in groups do not actually connive together; they keep each other from reoffending. This is beneficial to the community. There were no allegations of new sex offenses from these offenders. There are some models of housing for sex offenders which do this perfectly. Interaction Transition House in Seattle works well because the community is involved and can see the benefits. The voucher program helps offenders transition; without this, the offenders would be confined longer and ultimately be released to be homeless. For offenders under the authority of the Indeterminate Sentence Review Board, they will not be released to homelessness or a mission because those situations are not stable. Instead, they will stay in prison.

Persons Testifying: (In support) Representative Sells, prime sponsor; Michelle Morck; Brian Morck; Michael Stevens, and Jon Nehring, City of Marysville; John Knutsen, Steve Hastings, and Steve Kirkelie, City of Puyallup; Julie Door; David Stewart; Bob Jimerson; and Candice Bock, Association of Washington Cities.

(In support with concerns) Brian Enslow, Washington State Association of Counties; and Anna Aylward, Department of Corrections.

(Opposed) Brad Meryhew, Washington Association of Criminal Defense Lawyers; and Lynne DeLano, Indeterminate Sentence Review Board.

Persons Signed In To Testify But Not Testifying: None.