
HOUSE BILL 1456

State of Washington

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1997 Regular Session

By Representatives Koster, Robertson, Backlund, Sherstad, Mitchell, Hickel, Delvin, Cairnes, Wensman, Mulliken and Dunshee

Read first time 01/28/97. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to sex offenders; amending RCW 72.09.340; adding
2 new sections to chapter 72.09 RCW; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 72.09 RCW
5 to read as follows:

6 The definition in this section applies throughout section 2 of this
7 act unless the context clearly requires otherwise.

8 "School" means those schools described in RCW 28A.150.010,
9 28A.150.020, or chapter 28A.195 RCW. It also means any postsecondary
10 school of education including but not limited to colleges,
11 universities, and vocational educational schools. A true copy of a map
12 produced or reproduced by any municipal, school district, county, or
13 transit authority engineer for the purpose of depicting the location
14 and boundaries of the area on or within the radius of one-half of a
15 mile of any property used for a school may be used by the department to
16 determine the location and boundaries of schools.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09 RCW
18 to read as follows:

1 (1) If a local law enforcement agency determines that a sex
2 offender who is about to be released meets the criteria for level three
3 notification, then that person may not reside within one-half of a mile
4 of any school or any day-care center as defined in RCW 74.15.020.

5 (2) For the purposes of this section and section 3 of this act,
6 "level three notification" means the Washington association of sheriffs
7 and police chiefs' notification standards for the most serious sexual
8 offender.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.09 RCW
10 to read as follows:

11 As soon as possible after the department begins considering where
12 a sex offender who is about to be released will reside upon release
13 from confinement, the department shall notify local law enforcement
14 that the department is developing a release and residential plan. If
15 the local law enforcement agency determines that the agency would issue
16 a level three notification regarding the release of the offender, then
17 the local law enforcement agency shall notify the department that the
18 residential restrictions of section 2 of this act apply to the
19 offender. The department shall not approve a residence within an area
20 restricted under section 2 of this act.

21 **Sec. 4.** RCW 72.09.340 and 1996 c 215 s 3 are each amended to read
22 as follows:

23 (1) In making all discretionary decisions regarding release plans
24 for and supervision of sex offenders, the department shall set
25 priorities and make decisions based on an assessment of public safety
26 risks.

27 (2) The department shall, no later than September 1, 1996,
28 implement a policy governing the department's evaluation and approval
29 of release plans for sex offenders. The policy shall include, at a
30 minimum, a formal process by which victims, witnesses, and other
31 interested people may provide information and comments to the
32 department on potential safety risks to specific individuals or classes
33 of individuals posed by a specific sex offender. The department shall
34 make all reasonable efforts to publicize the availability of this
35 process through currently existing mechanisms and shall seek the
36 assistance of courts, prosecutors, law enforcement, and victims'
37 advocacy groups in doing so. Notice of an offender's proposed

1 residence shall be provided to all people registered to receive notice
2 of an offender's release under RCW 9.94A.155(2), except that in no case
3 may this notification requirement be construed to require an extension
4 of an offender's release date.

5 (3) For any offender convicted of a felony sex offense against a
6 minor victim after June 6, 1996, the department shall not approve a
7 residence location if the proposed residence: (a) Includes a minor
8 victim or child of similar age or circumstance as a previous victim who
9 the department determines may be put at substantial risk of harm by the
10 offender's residence in the household; ~~((or))~~ (b) is within close
11 proximity of the current residence of a minor victim, unless the
12 whereabouts of the minor victim cannot be determined or unless such a
13 restriction would impede family reunification efforts ordered by the
14 court or directed by the department of social and health services; or
15 (c) is within the residency restrictions established in section 2 of
16 this act. The department is further authorized to reject a residence
17 location if the proposed residence is within close proximity to
18 schools, child care centers, playgrounds, or other grounds or
19 facilities where children of similar age or circumstance as a previous
20 victim are present who the department determines may be put at
21 substantial risk of harm by the sex offender's residence at that
22 location.

23 (4) When the department requires supervised visitation as a term or
24 condition of a sex offender's community placement under RCW
25 9.94A.120(9)(c)(vi), the department shall, prior to approving a
26 supervisor, consider the following: (a) The relationships between the
27 proposed supervisor, the offender, and the minor; (b) the proposed
28 supervisor's acknowledgment and understanding of the offender's prior
29 criminal conduct, general knowledge of the dynamics of child sexual
30 abuse, and willingness and ability to protect the minor from the
31 potential risks posed by contact with the offender; and (c)
32 recommendations made by the department of social and health services
33 about the best interests of the child.

34 NEW SECTION. **Sec. 5.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the
36 remainder of the act or the application of the provision to other
37 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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