

**SSB 6325 - H AMD 1102**

By Representative Clements

**ADOPTED 3/3/2006**

1 On page 1, line 5, after "**Sec. 1.**" insert "(1)"

2 On page 1, line 8, after "subject matter." insert "The state  
3 preemption created in this section applies to all rules,  
4 regulations, codes, statutes, and ordinances pertaining to  
5 residency restrictions for persons convicted of any sex offense at  
6 any time."

7 On page 1, after line 8, insert:

8 "(2) This section does not apply to rules, regulations, codes,  
9 statutes, or ordinances adopted by cities, counties,  
10 municipalities, or local agencies prior to March 1, 2006, except as  
11 required by an order issued by a court of competent jurisdiction  
12 pursuant to litigation regarding the rules, regulations, codes,  
13 statutes, or ordinances.

14 (3) This section expires one year after the effective date of  
15 this act."

16 On page 1, after line 12, insert:

17 "NEW SECTION. **Sec. 3.** (1) The association of Washington  
18 cities, working with the cities and towns of Washington state,  
19 shall develop statewide standards for cities and towns to consider  
20 when determining whether to impose residency restrictions on sex  
21 offenders within their jurisdiction.

22 (2) The association of Washington cities shall be encouraged to  
23 work in consultation with a representative from each of the  
24 following agencies and organizations:

25 (a) The attorney general of Washington;

26 (b) The Washington state association of counties;

1 (c) The department of community, trade, and economic  
2 development;

3 (d) The department of corrections;

4 (e) The Washington association of sheriffs and police chiefs;  
5 and

6 (f) Any other agencies and organizations as deemed appropriate  
7 by the association of Washington cities, such as the Washington  
8 association of prosecuting attorneys, the juvenile rehabilitation  
9 administration of the department of social and health services, the  
10 indeterminate sentence review board, the Washington association for  
11 the treatment of sexual abusers, and the Washington coalition of  
12 sexual assault programs.

13 (3) The statewide standards for whether to impose residency  
14 restrictions on sex offenders should consider the following  
15 elements:

16 (a) An identification of areas in which sex offenders should  
17 not reside due to concerns regarding public safety and welfare;

18 (b) An identification of areas in which sex offenders may  
19 reside, taking into consideration factors such as:

20 (i) How many housing units must reasonably be available in  
21 order to accommodate registered sex offenders in a city or town;

22 (ii) The average response time of emergency services to the  
23 areas;

24 (iii) The proximity of risk potential activities to the areas;  
25 and

26 (iv) The proximity of medical care, mental health care  
27 providers, and sex offender treatment providers to the areas;

28 (c) A prohibition against completely precluding sex offender  
29 residences within a city or town, implicating a sex offender's  
30 right to travel, or enacting a criminal regulatory measure;

31 (d) Appropriate civil remedies for violations of a local  
32 ordinance; and

33 (e) Unique local conditions that should be given due deference,  
34 such as proximity to state facilities that house or treat sex  
35 offenders.

36 (4) The association of Washington cities, on behalf of the  
37 cities and towns in Washington, shall present the statewide  
38 standards, along with any recommendations and proposed legislation,

1 to the governor and the legislature no later than December 31,  
2 2006."

3 Correct the title.

**EFFECT:** Clarifies that the preemption language applies to all rules, regulations, codes, statutes, and ordinances pertaining to residency restrictions for persons convicted of any sex offense at any time. Limits the preemption language so that it only applies to laws enacted on or after March 1, 2006. Terminates the preemption language one year after the effective date of the act. Requires the Association of Washington Cities to develop, by December 31, 2006, statewide standards for cities and towns to consider when determining whether to impose residency restrictions on sex offenders within their jurisdictions.