

SSB 6325 - H AMD 1168

By Representative Clements

ADOPTED 3/7/2006

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 On page 1, after line 12, insert:

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

20 (2) The association of Washington cities shall work in
21 consultation with a representative from each of the following
22 agencies and organizations:

23 (a) The attorney general of Washington;

24 (b) The Washington state association of counties;

25 (c) The department of corrections;

26 (d) The Washington state coalition of sexual assault programs;

1 (e) The Washington association of sheriffs and police chiefs;
2 and

3 (f) Any other agencies and organizations as deemed appropriate
4 by the association of Washington cities, such as the Washington
5 association of prosecuting attorneys, the juvenile rehabilitation
6 administration of the department of social and health services, the
7 indeterminate sentence review board, the Washington association for
8 the treatment of sexual abusers, and the department of community,
9 trade, and economic development.

10 (3) The statewide standards for whether to impose residency
11 restrictions on sex offenders should consider the following
12 elements:

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

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

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

19 (ii) The average response time of emergency services to the
20 areas;

21 (iii) The proximity of risk potential activities to the areas;
22 and

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

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

28 (d) Appropriate civil remedies for violations of a local
29 ordinance; and

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

33 (4) The association of Washington cities, on behalf of the
34 cities and towns in Washington, shall present consensus statewide
35 standards, along with any consensus recommendations and proposed
36 legislation, to the governor and the legislature no later than
37 December 31, 2007. The standards and any recommendations or
38 proposed legislation must reflect a consensus among the association
39 of Washington cities and the entities in subsections (2)(a) through

1 (e) of this section. These entities must participate in good faith
2 in activities carried out under this section with a goal of
3 achieving consensus standards.

4 NEW SECTION. **Sec. 4.** (1) If the association of Washington
5 cities submits consensus statewide standards to the governor and
6 the legislature on or before December 31, 2007, section 1 of this
7 act expires July 1, 2008, and may only be revived by an affirmative
8 act of the legislature through duly enacted legislation.

9 (2) If the association of Washington cities does not submit
10 consensus statewide standards to the governor and legislature on or
11 before December 31, 2007, section 1 of this act does not expire."

12 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. Requires the Association of Washington Cities (AWC) to develop, by December 31, 2007, statewide consensus standards for cities and towns to use when determining whether to impose residency restrictions on sex offenders within their jurisdictions. If the AWC develops the standards and submits them to the Governor and the Legislature by December 31, 2007, the preemption provisions expire on July 1, 2008, and may only be revived by an affirmative act of the legislature through duly enacted legislation. If the AWC fails to develop the standards, the preemption provisions stay in place.