

SENATE BILL REPORT

SHB 1147

As Reported By Senate Committee On:
Human Services & Corrections, March 31, 2005

Title: An act relating to protecting communities from sex offenders through the establishment of community protection zones.

Brief Description: Protecting communities from sex offenders through the establishment of community protection zones.

Sponsors: House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Clements, O'Brien, Skinner, Woods, Pearson, Simpson, Lovick, Tom and B. Sullivan).

Brief History: Passed House: 3/03/05, 97-0.

Committee Activity: Human Services & Corrections: 3/17/05, 3/31/05 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Fara Daun (786-7459)

Background: Sex offenders who commit a first "two-strikes" offense after September 2001, and those who have one "two-strikes" offense committed prior to September 2001 and subsequently commit any non-strike sex offense are subject to determinate-plus sentencing. Under determinate-plus sentencing, offenders are sentenced to a determinate sentence as a minimum sentence and the statutory maximum for the class of offense as a maximum sentence. Statutory maximums are Life for a Class A felony, ten years for a Class B felony, and five years for a Class C felony.

Prior to the end of an offender's determinate-plus sentence, the Indeterminate Sentence Review Board determines whether the offender is more likely than not to commit a new sex offense. If the offender is found to be more likely than not to commit a new sex offense the offender is not released and must be reviewed again within two years. Otherwise, the offender is released to community custody under the supervision of the Department of Corrections (DOC) until the maximum sentence has ended. If the offender commits serious violations of his or her conditions of community custody, he or she may be returned to prison following an administrative hearing on the violation.

Summary of Amended Bill: A community protection zone means the area within 880 feet for the facilities and grounds of any public or private school, including the schools for the deaf and the blind.

An offender who is subject to determinate-plus sentencing for a first two-strikes offense whose victim was under eighteen years old at the time of the offense may not live in a community protection zone and the court must include the prohibition in the judgement and sentence. DOC may not approve a residence within a community protection zone for these offenders.

Law enforcement agencies and DOC are immune from liability for discretionary decisions under this act if they are made in a good faith effort to comply with the act.

A joint task force on sex offender management must collaborate with the Partnership for Community Safety and must report to the legislature by December 1, 2005 on the effectiveness of community protection zones, standardization of sex offender community notification, applicability of the public disclosure act to sex offender information sharing, training needs for law enforcement, criminal justice and school personnel related to sex offender notification and community notification and management strategies; and the impact and advisability of pre-notification of local government officials related to sex offender location.

The act expires July 1, 2006.

Amended Bill Compared to Original Bill: The amended bill narrows the population of offenders affected by the community protection zone to those with one two-strikes offense, adds the joint task force, and the bill expires July 1, 2006.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill arises from a situation where a sex offender moved in across the street from a school and was conspicuously interested in the children. The bill only deals with the worst of the worst sex offenders and is limited to two blocks from schools. These sex offenders shouldn't live next to a school. If the bill were limited to determinate-plus sentences that would be easier to administer.

Testimony Against: None.

Other: The bill creates a false sense of security around schools by implying that sex offenders can't live there. However, less than 16 percent of registered sex offenders are under DOC supervision and doesn't affect the other 84 percent. The offender mentioned was not under supervision and would not have been covered by this bill and his actions in looking at the children did not qualify as a recent overt act so the state could not petition for his civil commitment.

Almost all calls received about where sex offenders live are about sex offenders not under supervision. Sex offenders have the lowest recidivism of offenders. Minnesota studied where sex offenders re-offend. If there is community notification, they don't reoffend where they

would be recognized. It is unclear whether a sex offender under this would have to move if a day-care opened within the 880 feet.

The map shows almost no place where offenders could live in Seattle, which has the highest concentration of sex offenders in the state. Making offenders homeless means there is no way to supervise them. The homeless offenders living in Pioneer Square would be banned from there.

Currently there is a coalition of people including DOC, victims groups, faith based groups, and other social service groups called the Partnership for Community Safety working to find ways of housing sex offenders and mentally ill offenders in the community. The goal is to find proactive community solutions that improve public safety and help offenders stay crime free.

Who Testified: PRO: Representative Jim Clements, prime sponsor. OTHER: Victoria Roberts, DOC; Suzanne Brown-McBride, Washington Coalition of Sexual Assault Programs.