

# SENATE BILL REPORT

## SSB 6325

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As Passed Senate, February 9, 2006

**Title:** An act relating to establishing residence restrictions for sex offenders.

**Brief Description:** Establishing residence restrictions for sex offenders.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Kline, Fairley, Stevens, Rasmussen and McAuliffe).

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/19/06, 2/1/06 [DPS].  
Passed Senate: 2/9/06, 46-2.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6325 be substituted therefor, and the substitute bill do pass.

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

**Staff:** Kiki Keizer (786-7430)

**Background:** Legislation passed in 2005 prohibits an offender sentenced to a "two-strikes" offense against a minor victim from living within an area of 880 feet (two blocks) of a public or private school. The residential restriction set out in the 2005 law was to be effective for the duration of the offender's term of community custody.

The 2005 legislation, including the residential restriction, terminates on July 1, 2006.

**Summary of Bill:** The sunset clause on SHB 1147, which established residential restrictions for certain convicted sex offenders, is repealed. The state statute preempts local laws.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** There should be a consistent standard statewide for these kinds of restrictions to avoid a patchwork of geographic areas with varying standards. If the standard is not uniform, it is likely to have the effect of driving sex offenders to unincorporated county land. It is important to create places where people can live and begin dealing with the problem of homeless offenders, who cannot be adequately supervised. We shouldn't make it more difficult to supervise people who put us all at risk.

**Testimony Against:** State preemption of local government does not take local conditions into account. Having zones where offenders are not allowed to live may increase law enforcement workload and the corresponding cost of enforcement.

**Who Testified:** PRO: Jean Wessman, Washington Association of Counties; Jennifer Shaw, ACLU of Washington.

CON: Wayne Tanaka, City of Issaquah; Tammy Fellin, Washington Association of Cities.

**House Amendment(s):** The state's preemption of local governments' laws restricting where sex offenders can live applies to laws restricting the residency of persons convicted of any sex offense at any time, except that the preemption does not apply to any local laws adopted before March 1, 2006. The Association of Washington Cities (AWC) must develop statewide consensus standards that local governments use when determining whether to impose local residency restrictions on sex offenders within cities and towns. If the AWC presents these standards to the Legislature and the Governor 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 does not present its standards to the Legislature and the Governor by that date, the preemption provisions stay in place.