

SENATE BILL REPORT

SSB 6069

As Passed Senate, February 12, 2014

Title: An act relating to community custody conditions for sex offenders.

Brief Description: Modifying community custody conditions for sex offenders.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Rivers, Darneille, King, Litzow, Fain, Becker, Kohl-Welles, Roach and Brown).

Brief History:

Committee Activity: Human Services & Corrections: 1/21/14, 1/28/14 [DPS].
Passed Senate: 2/12/14, 49-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6069 be substituted therefor, and the substitute bill do pass.

Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Staff: Shani Bauer (786-7468)

Background: When a court sentences a person to a term of community custody, the court must specify conditions of that supervision. Some conditions are mandatory. Other conditions are discretionary and determined by the judge on a case-by-case basis. The court has discretion to order a condition requiring the offender to refrain from direct or indirect contact with the victim of the crime or a specified class of individuals. When an offender is placed on community custody with the Department of Corrections (DOC), DOC has the authority to add conditions, so long as those conditions do not conflict with those ordered by the court.

Anyone may request notice from DOC when a specific sex offender will be released or transferred to community custody or work release. DOC must provide the requestor with notice of the offender's proposed residence and give the person an opportunity to provide information and comments on the potential safety risks to specific persons that the offender may pose.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Substitute Bill: DOC may require a sex offender to refrain from contact with the victim of the crime or an immediate family member of the victim. If a victim or an immediate family member of a victim requested that the offender not contact that person, DOC must require the offender to refrain from contact with the requestor. If the victim is a minor, the parent or guardian of the victim may make a request on the victim's behalf.

At the time of providing notice of a sex offender's proposed residence to persons who requested a notice, DOC must also inform the person that a victim or an immediate family member of a victim may request that the offender refrain from contacting that person as a condition of the offender's community custody if the condition is not already provided by court order.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: CON: The intent of this legislation is positive, which is to allow DOC to give the victims and their immediate family notice and an opportunity to request a condition ordering the offender to refrain from contact. There is, however, objection with the language that allows DOC to order the offender to refrain from contact with a specified class of individuals. For liability reasons, DOC often opts for the most restrictive terms possible. It is therefore likely this will turn into a mandatory condition that an offender refrain from all contact with children. This can cause problems with an offender's ability to reunite with family and transition back into the community. The judge is the most appropriate person to make this decision. Replacing the phrase "specified class of individuals" with "the victim's immediate family" will resolve the issue.

Persons Testifying: CON: Brad Meryhew, WA Assn. of Criminal Defense Lawyers, WA Defender Assn.