

# SENATE BILL REPORT

## SB 5116

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As of February 3, 2003

**Title:** An act relating to siting secure community transition facilities.

**Brief Description:** Requiring consideration of home-based instruction when siting secure community transition facilities.

**Sponsors:** Senators Eide, Keiser and T. Sheldon.

**Brief History:**

**Committee Activity:** Children & Family Services & Corrections: 2/5/03.

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### SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

**Staff:** Fara Daun (786-7459)

**Background:** In 2001, the Legislature passed 3ESSB 6151. The bill was enacted and became effective June 26, 2001. The act changed sentencing for certain sex offenders, established the secure community transition facility (SCTF) on McNeill Island, and established the basic requirements for siting future SCTFs, including a definition of risk potential activities and facilities. The act also established the Joint Select Committee for Equitable Distribution of Secure Community Transition Facilities. The committee was charged with reviewing and making any necessary revisions to the provisions for equitable distribution of SCTFs and the sections of the act, which established the basic siting and operating criteria for SCTFs. The siting criteria specify that no SCTF may be sited in adjacent to, across the street or parking lot from, or within the line of site of any risk potential activity or facility. Line of sight means that it is possible to reasonably visually distinguish and recognize individuals, and the Department of Social and Health Services has determined that beyond 600 feet it is not possible to reasonably visually distinguish and recognize individuals.

The Joint Select Committee specifically addressed the definition of risk potential activities and facilities and, after debate, did not add any items to it. The Joint Select Committee did include a definition of "school bus stop" in its legislation. Risk potential activities and facilities means "an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreation and community centers, churches, synagogues, temples, mosques, public libraries, and others identified by the department following the hearings of a potential site."

**Summary of Bill:** Home-based instruction is a risk potential facility or activity. Home-based instruction means a home in which one or more children are receiving home-based instruction under RCW 28A.255.010.

**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 2003.

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