
**Criminal Justice & Corrections
Committee**

HB 1147

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

Sponsors: Representatives Clements, O'Brien, Skinner, Woods, Pearson, Simpson, Lovick, Tom and B. Sullivan.

Brief Summary of Bill

- Establishes community protection zones around schools.
- Prohibits certain sex offender from living in the zones.
- Increases the penalty for failing to register for certain sex offenders who live in community protection zones.
- Requires the sheriff to notify schools when certain sex offenders move into community protection zones.
- Requires school districts to conduct public hearings regarding adopting a parental notification policy.

Hearing Date: 1/28/05

Staff: Jim Morishima (786-7191).

Background:

I. Two Strikes Sex Offenses

An offender convicted of more than one "two strikes" sex offense will be sentenced for life in prison without the possibility of parole. Two strikes sex offenses include:

- Rape in the 1st and 2nd degrees;
- Rape of a child in the 1st and 2nd degrees;
- Child molestation in the 1st degree;
- Indecent liberties by forcible compulsion; and
- The following crimes when committed *with sexual motivation*:
- Murder in the 1st and 2nd degrees;

- Homicide by abuse;
- Kidnapping in the 1st and 2nd degrees;
- Assault in the 1st and 2nd degrees;
- Assault of a child in the 1st degree; and
- Burglary in the 1st degree.

An offender who commits a first "two strikes" sex offense will be sentenced to a "determinate plus" sentence. Such an offender will receive a minimum term and a maximum term. The minimum term is generally equal to the offender's standard range sentence. The maximum term is the statutory maximum term for the crime: Life for class A felonies, 10 years for class B felonies, and five years for class C felonies.

The offender will be evaluated by the Indeterminate Sentence Review Board after the expiration of his or her minimum term and must be released unless he or she is likelier than not to commit a predatory sex offense. If the offender is released, he or she will be on community custody for the remainder of his or her maximum term. The terms for the community custody must include conditions such as reporting to a community corrections officer and obtaining residence approval from the Department of Corrections (DOC).

II. Sex Offender Registration

Offenders found guilty of certain sex offenses must register with the county sheriff where he or she resides. The offender must provide a variety of information to the sheriff including his or her name, address, photograph, and fingerprints. Violation of the registration requirements is an unranked class C felony if the crime of conviction was a felony and a gross misdemeanor if the crime of conviction was a gross misdemeanor or a misdemeanor.

III. Notification Requirements

County sheriffs may disclose information regarding registered sex offenders subject to certain guidelines. For example, a county sheriff may disclose information regarding a level I sex offender to any victim or witness to the offense and any person who lives near the offender. For a level III sex offender, the county sheriff may release registration information to the public at large. In addition, for a level III sex offender, the sheriff must publish a sex offender community notification in the area of the sex offender's registered address or location.

Summary of Bill:

Community protection zones are established around public and private schools. The zones have a radius of 880 feet, or two blocks, around the schools. A school district may expand a community protection zone to over 880 feet if:

- The expansion is rationally related to the goal of protecting students at the school around which the zone is located;
- The school has conducted at least two public meetings; and
- The school has obtained approval of the expansion from the DOC and law enforcement.

A private school may request the school district to expand the zone around the private school. The school district must inform the private school within 30 days as to whether the district will commence the expansion process.

I. Two Strikes Sex Offenses

An offender who is convicted of a first "two strikes" sex offense against a minor victim may not reside in a community protection zone while on community custody, unless the DOC has obtained prior approval from the school district and law enforcement.

II. Sex Offender Registration

The penalty for failing to meet sex offender registration requirements is increased for an offender convicted of a "two strike" sex offense against a minor victim if the offender lives in a community protection zone. The penalty for this type of offender is increased from an unranked class C felony to a class C felony with a seriousness level of V.

III. Notification

If a level III offender convicted of a first "two strikes" sex offense against a minor victim moves into a community protection zone, the county sheriff must send a sex offender community notification to every school in the zone. Within two years of the act's effective date, each school district in the state must conduct a public hearing regarding whether the district should adopt a written policy on notifying parents when a school in the district receives a sex offender community notification.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2005.