

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6325

59th Legislature
2006 Regular Session

Passed by the Senate March 8, 2006
YEAS 45 NAYS 0

President of the Senate

Passed by the House March 7, 2006
YEAS 98 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6325** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6325

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

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

READ FIRST TIME 02/03/06.

1 AN ACT Relating to establishing residence restrictions for sex
2 offenders; creating new sections; repealing 2005 c 436 s 4
3 (uncodified); repealing 2005 c 436 s 6 (uncodified); and providing a
4 contingent expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) Sections 1 through 3 and 5 of chapter
7 436, Laws of 2005, supersede and preempt all rules, regulations, codes,
8 statutes, or ordinances of all cities, counties, municipalities, and
9 local agencies regarding the same subject matter. The state preemption
10 created in this section applies to all rules, regulations, codes,
11 statutes, and ordinances pertaining to residency restrictions for
12 persons convicted of any sex offense at any time.

13 (2) This section does not apply to rules, regulations, codes,
14 statutes, or ordinances adopted by cities, counties, municipalities, or
15 local agencies prior to March 1, 2006, except as required by an order
16 issued by a court of competent jurisdiction pursuant to litigation
17 regarding the rules, regulations, codes, statutes, or ordinances.

1 NEW SECTION. **Sec. 2.** The following acts or parts of acts are each
2 repealed:

3 (1) 2005 c 436 s 4 (uncodified); and

4 (2) 2005 c 436 s 6 (uncodified).

5 NEW SECTION. **Sec. 3.** (1) The association of Washington cities,
6 working with the cities and towns of Washington state, shall develop
7 statewide standards for cities and towns to use when determining
8 whether to impose residency restrictions on sex offenders within their
9 jurisdiction.

10 (2) The association of Washington cities shall work in consultation
11 with a representative from each of the following agencies and
12 organizations:

13 (a) The attorney general of Washington;

14 (b) The Washington state association of counties;

15 (c) The department of corrections;

16 (d) The Washington state coalition of sexual assault programs;

17 (e) The Washington association of sheriffs and police chiefs; and

18 (f) Any other agencies and organizations as deemed appropriate by
19 the association of Washington cities, such as the Washington
20 association of prosecuting attorneys, the juvenile rehabilitation
21 administration of the department of social and health services, the
22 indeterminate sentence review board, the Washington association for the
23 treatment of sexual abusers, and the department of community, trade,
24 and economic development.

25 (3) The statewide standards for whether to impose residency
26 restrictions on sex offenders should consider the following elements:

27 (a) An identification of areas in which sex offenders should not
28 reside due to concerns regarding public safety and welfare;

29 (b) An identification of areas in which sex offenders may reside,
30 taking into consideration factors such as:

31 (i) How many housing units must reasonably be available in order to
32 accommodate registered sex offenders in a city or town;

33 (ii) The average response time of emergency services to the areas;

34 (iii) The proximity of risk potential activities to the areas; and

35 (iv) The proximity of medical care, mental health care providers,
36 and sex offender treatment providers to the areas;

1 (c) A prohibition against completely precluding sex offender
2 residences within a city or town, implicating a sex offender's right to
3 travel, or enacting a criminal regulatory measure;

4 (d) Appropriate civil remedies for violations of a local ordinance;
5 and

6 (e) Unique local conditions that should be given due deference,
7 such as proximity to state facilities that house or treat sex
8 offenders.

9 (4) The association of Washington cities, on behalf of the cities
10 and towns in Washington, shall present consensus statewide standards,
11 along with any consensus recommendations and proposed legislation, to
12 the governor and the legislature no later than December 31, 2007. The
13 standards and any recommendations or proposed legislation must reflect
14 a consensus among the association of Washington cities and the entities
15 in subsection (2)(a) through (e) of this section. These entities must
16 participate in good faith in activities carried out under this section
17 with a goal of achieving consensus standards.

18 NEW SECTION. **Sec. 4.** (1) If the association of Washington cities
19 submits consensus statewide standards to the governor and the
20 legislature on or before December 31, 2007, section 1 of this act
21 expires July 1, 2008, and may only be revived by an affirmative act of
22 the legislature through duly enacted legislation.

23 (2) If the association of Washington cities does not submit
24 consensus statewide standards to the governor and legislature on or
25 before December 31, 2007, section 1 of this act does not expire.

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