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**Public Safety & Emergency  
Preparedness Committee**

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**HB 2644**

**Brief Description:** Prohibiting certain sex offenders on community custody from accessing the internet.

**Sponsors:** Representatives Simpson, Williams, Pearson and Lantz.

**Brief Summary of Bill**

- Prohibits sex offenders on community custody from accessing the Internet.

**Hearing Date:** 1/30/08

**Staff:** Jim Morishima (786-7191).

**Background:**

Sex offenders may be sentenced to a term of community custody under a variety of circumstances. For example, a court may impose up to a year of community custody for an offender sentenced to a year or less in jail. A court must impose 36 - 48 months of community custody for most offenders sentenced to more than a year in prison. Offenders sentenced to "determinate plus" sentences are sentenced to a term of community custody up to the statutory maximum for their offenses.

While on community custody, offenders are subject to a variety of conditions. For example, unless waived by the court, the terms of an offender's community custody must include:

- Reporting to a community corrections officer;
- Working at the Department of Corrections (DOC) approved education, employment, or community restitution;
- Refraining from possessing or consuming controlled substances;
- Paying supervision fees; and
- Obtaining prior DOC approval for residence location and living arrangements.

In addition, the court may impose a variety of conditions of community custody, including:

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- Remaining within, or outside of, specified geographical boundaries;
- Refraining from contacting the victim or a specified class of individuals;
- Participating in counseling;
- Refraining from consuming alcohol; or
- Complying with crime-related conditions.

The DOC is also authorized to impose conditions of community custody as long as they do not conflict with any court-ordered conditions. The conditions the DOC may order include electronic monitoring.

**Summary of Bill:**

For offenders who used the Internet to facilitate a sex offense, the court must impose the following conditions of community custody:

- The offender may not access or use a computer, or any other device with Internet capability, without the prior written approval of the DOC.
- The offender must submit to unannounced inspections of his or her computer, any other device with Internet capability, by a community corrections officer or a specialist employed by, or under contract with, the DOC. The inspection may include the retrieval and copying of all data from a computer, device, or peripheral and removal of the computer, device, or peripheral to conduct a more thorough inspection.
- The offender must submit to the installation, at the offender's expense, of one or more hardware or software systems to monitor the offender's Internet use.
- The offender must submit to any other appropriate restrictions, as determined by the DOC, concerning his or her use or access to a computer or other device with Internet capability.

A process is established for determining whether an offender used the Internet to facilitate a sex offense. In a prosecution for a sex offense, the prosecuting attorney may file a special allegation that the offender used the Internet to facilitate his or her offense if the prosecutor feels there is sufficient evidence to support such an allegation. The prosecutor has the burden of proving the special allegation to a jury (or to a judge if a jury is waived). The prosecutor may not withdraw the special allegation without the permission of the court.

**Appropriation:** None.

**Fiscal Note:** Requested on January 27, 2008.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.