
HOUSE BILL 1768

State of Washington 61st Legislature 2009 Regular Session

By Representatives Pearson, Shea, Hope, Smith, Ross, Kristiansen, Warnick, Armstrong, and Bailey

Read first time 01/28/09. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to preventing sex offenders from being released
2 within fifty miles of or in the same county as their victims; amending
3 RCW 72.09.340 and 72.09.270; and providing an effective date.

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

5 **Sec. 1.** RCW 72.09.340 and 2005 c 436 s 3 are each amended to read
6 as follows:

7 (1) In making all discretionary decisions regarding release plans
8 for and supervision of sex offenders, the department shall set
9 priorities and make decisions based on an assessment of public safety
10 risks.

11 (2) The department shall, no later than September 1, 1996,
12 implement a policy governing the department's evaluation and approval
13 of release plans for sex offenders. The policy shall include, at a
14 minimum, a formal process by which victims, witnesses, and other
15 interested people may provide information and comments to the
16 department on potential safety risks to specific individuals or classes
17 of individuals posed by a specific sex offender. The department shall
18 make all reasonable efforts to publicize the availability of this
19 process through currently existing mechanisms and shall seek the

1 assistance of courts, prosecutors, law enforcement, and victims'
2 advocacy groups in doing so. Notice of an offender's proposed
3 residence shall be provided to all people registered to receive notice
4 of an offender's release under RCW ((~~9.94A.612~~)) 72.09.712(2), except
5 that in no case may this notification requirement be construed to
6 require an extension of an offender's release date.

7 (3)(a) For any offender convicted of a felony sex offense ((~~against~~
8 ~~a minor victim~~)) after June 6, 1996, the department shall not approve
9 a residence location if the proposed residence: (i) Includes a minor
10 victim or child of similar age or circumstance as a previous victim who
11 the department determines may be put at substantial risk of harm by the
12 offender's residence in the household; or (ii) is within ((~~close~~
13 ~~proximity~~)) fifty miles of, or is in the same county as, the current
14 residence of a ((~~minor~~)) victim, unless the whereabouts of the
15 ((~~minor~~)) victim cannot be determined or unless such a restriction
16 would impede family reunification efforts ordered by the court or
17 directed by the department of social and health services. The
18 department is further authorized to reject a residence location for an
19 offender convicted of a felony sex offense against a minor victim if
20 the proposed residence is within close proximity to schools, child care
21 centers, playgrounds, or other grounds or facilities where children of
22 similar age or circumstance as a previous victim are present who the
23 department determines may be put at substantial risk of harm by the sex
24 offender's residence at that location.

25 (b) In addition, for any offender prohibited from living in a
26 community protection zone under RCW ((~~9.94A.712(6)(a)(ii)~~))
27 9.94A.703(1)(c), the department may not approve a residence location if
28 the proposed residence is in a community protection zone.

29 (4) When the department requires supervised visitation as a term or
30 condition of a sex offender's community placement under RCW
31 ((~~9.94A.700~~)) 9.94B.050(6), the department shall, prior to approving a
32 supervisor, consider the following:

33 (a) The relationships between the proposed supervisor, the
34 offender, and the minor; (b) the proposed supervisor's acknowledgment
35 and understanding of the offender's prior criminal conduct, general
36 knowledge of the dynamics of child sexual abuse, and willingness and
37 ability to protect the minor from the potential risks posed by contact

1 with the offender; and (c) recommendations made by the department of
2 social and health services about the best interests of the child.

3 **Sec. 2.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to read
4 as follows:

5 (1) The department of corrections shall develop an individual
6 reentry plan as defined in RCW 72.09.015 for every offender who is
7 committed to the jurisdiction of the department except:

8 (a) Offenders who are sentenced to life without the possibility of
9 release or sentenced to death under chapter 10.95 RCW; and

10 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.
11 1227.

12 (2) The individual reentry plan may be one document, or may be a
13 series of individual plans that combine to meet the requirements of
14 this section.

15 (3) In developing individual reentry plans, the department shall
16 assess all offenders using standardized and comprehensive tools to
17 identify the criminogenic risks, programmatic needs, and educational
18 and vocational skill levels for each offender. The assessment tool
19 should take into account demographic biases, such as culture, age, and
20 gender, as well as the needs of the offender, including any learning
21 disabilities, substance abuse or mental health issues, and social or
22 behavior deficits.

23 (4)(a) The initial assessment shall be conducted as early as
24 sentencing, but, whenever possible, no later than forty-five days of
25 being sentenced to the jurisdiction of the department of corrections.

26 (b) The offender's individual reentry plan shall be developed as
27 soon as possible after the initial assessment is conducted, but,
28 whenever possible, no later than sixty days after completion of the
29 assessment, and shall be periodically reviewed and updated as
30 appropriate.

31 (5) The individual reentry plan shall, at a minimum, include:

32 (a) A plan to maintain contact with the inmate's children and
33 family, if appropriate. The plan should determine whether parenting
34 classes, or other services, are appropriate to facilitate successful
35 reunification with the offender's children and family;

36 (b) An individualized portfolio for each offender that includes the

1 offender's education achievements, certifications, employment, work
2 experience, skills, and any training received prior to and during
3 incarceration; and

4 (c) A plan for the offender during the period of incarceration
5 through reentry into the community that addresses the needs of the
6 offender including education, employment, substance abuse treatment,
7 mental health treatment, family reunification, and other areas which
8 are needed to facilitate a successful reintegration into the community.

9 (6)(a) Prior to discharge of any offender, the department shall:

10 (i) Evaluate the offender's needs and, to the extent possible,
11 connect the offender with existing services and resources that meet
12 those needs; and

13 (ii) Connect the offender with a community justice center and/or
14 community transition coordination network in the area in which the
15 offender will be residing once released from the correctional system if
16 one exists.

17 (b) If the department recommends partial confinement in an
18 offender's individual reentry plan, the department shall maximize the
19 period of partial confinement for the offender as allowed pursuant to
20 RCW 9.94A.728 to facilitate the offender's transition to the community.

21 (7) The department shall establish mechanisms for sharing
22 information from individual reentry plans to those persons involved
23 with the offender's treatment, programming, and reentry, when deemed
24 appropriate. When feasible, this information shall be shared
25 electronically.

26 (8)(a) Except as provided in RCW 72.09.340(3)(a)(ii), in
27 determining the county of discharge for an offender released to
28 community custody, the department may not approve a residence location
29 that is not in the offender's county of origin unless it is determined
30 by the department that the offender's return to his or her county of
31 origin would be inappropriate considering any court-ordered condition
32 of the offender's sentence, victim safety concerns, negative influences
33 on the offender in the community, or the location of family or other
34 sponsoring persons or organizations that will support the offender.

35 (b) If the offender is not returned to his or her county of origin,
36 the department shall provide the law and justice council of the county
37 in which the offender is placed with a written explanation.

1 (c) For purposes of this section, the offender's county of origin
2 means the county of the offender's first felony conviction in
3 Washington.

4 (9) Nothing in this section creates a vested right in programming,
5 education, or other services.

6 NEW SECTION. **Sec. 3.** This act takes effect August 1, 2009.

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