

HOUSE BILL REPORT

EHB 1238

As Passed House
March 9, 1993

Title: An act relating to notification to victims, witnesses, and the community of a change in the confinement status of juvenile offenders.

Brief Description: Requiring notice be given to various parties before release from confinement of a juvenile who has committed stalking.

Sponsors: Representatives R. Johnson, Ballasiotes, Ludwig, King, Karahalios, Johanson, Jones, Sheahan, Schoesler, Brumsickle, Roland, Long, Flemming, Horn, Mielke, Tate, Wood, Kremen, Foreman and Pruitt; by request of Department of Social and Health Services.

Brief History:

Reported by House Committee on:
Corrections, February 18, 1993, DPA;
Passed House, March 9, 1993, 95-0.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass as amended. Signed by 9 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Ogden; Riley; and Padden.

Staff: Jim Lux (786-7841).

Background: When a juvenile offender who committed a sex offense or a violent offense is discharged, placed on parole, granted authorized leave or release, or transferred to a community residential facility, written notice of such actions by the secretary of the Department of Social and Health Services is required. Written notice must be sent to the chief of police of the city or the sheriff of the county where the offender will reside, at least 10 days in advance of the departure from the institution. If a written request for such notice is made by: the victim of the offender or the next of kin in circumstances where the crime is a homicide, any adverse witness involved in the court proceedings, or any person specified in writing by the

prosecutor, the department must also notify the individuals making the request.

In the instance of an escape from the institution, the secretary of the Department of Social and Health Services shall immediately notify, in the most reasonable and expedient means available, the chief of police or the sheriff in the city or county where the juvenile resided immediately prior to the juvenile's arrest. If previously requested, the secretary shall also notify the victim, witnesses or in the case of a homicide, the victim's next of kin. In the event of recapture, the individuals mentioned above shall be notified by the secretary as soon as possible, but no later than two working days after the recapture occurred.

The secretary may authorize leave for juveniles found to have committed violent or sex offenses which shall not exceed 48 hours plus travel time, for emergency reasons involving death or critical illness of a family member. When the juvenile is ill and cannot be accommodated in the juvenile facility, the secretary may authorize leave as long as it is medically necessary. Prior to the emergency or medical leave, the secretary shall give notice to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be. If previously requested, the victim, witnesses and in the event of a homicide, the next of kin shall be notified.

Violent and sex offenses are defined as applicable to these requirements for notification.

Summary of Bill: The crime of stalking is added to the list of crimes requiring notice by the secretary of the Department of Social and Health Services, when an offender departs from a juvenile facility. All notification requirements for violent and sex offenders apply to juveniles committed to the Division of Juvenile Rehabilitation for the offense of stalking. The crime of stalking is added to the definitions of crimes requiring notification of departure for discharge, parole, authorized leave or release or transfer to a community residential facility from a juvenile facility.

Fiscal Note: Available.

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

Testimony For: The need to notify law enforcement, witnesses and others requesting notification that juvenile offenders convicted of stalking are residing in the community is necessary for public safety.

Testimony Against: None.

Witnesses: Mary Ann Harrington, Department of Social and Health Services.