

FINAL BILL REPORT

SHB 2545

C 215 L 96

Synopsis as Enacted

Brief Description: Imposing additional notice requirements upon release of a sex offender.

Sponsors: By House Committee on Corrections (originally sponsored by Representatives Sehlin, Sheahan, Goldsmith, Robertson, L. Thomas, Mulliken, Sheldon, McMahan, Conway, Costa, Patterson, Chopp, Ogden, Hatfield, Hickel, Campbell, Mitchell, Morris, Johnson, Hymes, Thompson, Silver and McMorris).

House Committee on Corrections

House Committee on Appropriations

Senate Committee on Human Services & Corrections

Background: Public Notification Regarding Sex Offenders. Public agencies are authorized to inform the public about sex offenders when doing so is necessary for public protection. This notification usually is left to the discretion of local law enforcement agencies. If an agency decides to notify the public, the agency is required to make a good faith effort to give the public at least 14 days' notice before the offender's release.

For local law enforcement agencies to have the necessary information to make this decision, some state agencies are required to give advance notice to local law enforcement agencies prior to releasing sex offenders from confinement. For example, the Department of Corrections (DOC) and the Juvenile Rehabilitation Administration (JRA) are each required to give at least 30 days' advance notice to a local law enforcement agency before releasing a sex offender.

County Jails. Unlike the DOC and the JRA, a county jail is not required to notify any law enforcement agency when it is about to release a sex offender.

Release and supervision of sex offenders. The DOC supervises sex offenders, including some who are convicted of "sexually violent" offenses. Sexually violent offenses are a subset of the category of sex offenses. The DOC's discretionary decisions regarding the supervision of sexually violent offenders are to be based on considerations of public safety risk rather than the legal category of the sentences.

When a sex offender is about to be released to community placement, the offender's proposed residential location and living arrangements are subject to the DOC's prior

approval, and the DOC's restrictions may continue during the period of community placement.

When a sex offender's release is pending, the DOC is required to notify certain individuals and agencies of the pending release. The individuals entitled to notice include the victim, any witnesses who testified against a violent offender, and persons specified in writing by the prosecutor.

Summary: County Jails. When an inmate is incarcerated in a county jail for a sex offense, the jail must obtain from the inmate the county in which the inmate will reside upon release.

For any sex offender confined in a county jail who upon release will reside in another county, the jail's chief officer must notify the other county's chief law enforcement agency at least 14 days prior to the offender's release. If the county jail officials do not know a sex offender's release date at least 14 days in advance, the jail's chief officer shall provide the notice no later than the day after the release.

Release and supervision of sex offenders. The DOC is required to base all discretionary decisions regarding sex offender supervision and release plans on assessment of public safety risks.

The DOC must implement a policy on sex offender release plans that (a) creates a formal process for public input regarding the safety risks of particular offenders, and (b) provides for notification of certain people regarding a sex offender's proposed residence.

For a sex offender who offended against minor victims, the DOC must reject any release address that would place the offender in the same home or within close proximity to minor victims or children of similar age and circumstance of previous victims who may be put at substantial risk of harm by the placement. Also, the DOC may reject, for sex offenders who offended against minor victims, release addresses within close proximity to vulnerable populations.

When requiring supervised contact as a condition of community placement, the DOC must consider several specified criteria before approving the supervisor.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 6, 1996

