

HOUSE BILL REPORT

HB 2734

As Passed House:

February 13, 1996

Title: An act relating to sex offenders.

Brief Description: Restricting sex offenders from establishing a residence within a certain distance of a school.

Sponsors: Representatives Sterk, Sheahan, Campbell, L. Thomas, McMahan, Sheldon, Sherstad, Cooke, Mulliken, Boldt, McMorris, Thompson, Hargrove, Benton and Johnson.

Brief History:

Committee Activity:

Corrections: 1/31/96, 2/1/96 [DP].

Floor Activity:

Passed House: 2/13/96, 90-6.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass. Signed by 9 members: Representatives Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Schoesler and D. Sommers.

Minority Report: Do not pass. Signed by 2 members: Representatives Ballasiotes, Chairman; and Radcliff.

Staff: Rick Neidhardt (786-7841).

Background: The Sentencing Reform Act has a number of provisions placing restrictions on felony sex offenders that extend beyond the confinement time imposed by the sentencing judge.

Community placement. For sex offenses committed after July 1, 1988, the sentencing judge must impose a period of community placement. Community placement is a form of community supervision that follows any confinement time imposed on the offender. The duration of the community placement depends on when the sex offense occurred. For sex offenses committed before July 1, 1990, the community placement

is to last for one year. For offenses committed on or after July 1, 1990, the community placement is to last for two years, or the amount of "good time" the offender earned in shortening the prison or jail sentence, whichever is greater. An offender on community placement must obey the directions of the Department of Corrections (DOC).

Community supervision. For any sentence of confinement of one year or less, a sentencing judge may impose up to one year of community supervision. This period follows any confinement time imposed on the offender. An offender on community supervision must obey the directions of DOC.

Community service. For any nonviolent offense with a sentence of confinement of one year or less, the sentencing judge may convert up to 30 days of confinement time into a requirement to perform community service. The conversion ratio is eight hours of community service for each day of confinement time. An offender on community service must obey the directions of DOC.

Special sex offender sentencing alternative (SSOSA). A judge may impose on certain sex offenders an alternative sentence that provides for treatment in the community. If the judge determines that both the community and the offender will benefit from this alternative sentence, then the judge imposes a standard range length of confinement and suspends it subject to the offender's compliance with special conditions, including treatment. The offender is placed on community supervision for three years, or the length of the suspended sentence, whichever is longer.

Treatment-based releases from DOC. For some sex offenses committed between July 1, 1987, and July 1, 1990, a special option exists for an offender to be released early from DOC's confinement upon successful completion of treatment. Under these circumstances, DOC may petition the sentencing court to convert the offender's remaining confinement time to community supervision. Violation of the conditions of community supervision can lead to re-imposition of the original sentence of confinement.

Residential restrictions. Current law does not specifically mandate any specific restrictions on where a sex offender can live upon being released to the community. The DOC, however, has authority to impose residential location and arrangement restrictions as part of any term of community placement imposed for offenses committed after July 1, 1990.

Summary of Bill: Any sex offender under a term of community supervision, community placement, or community service must obey instructions from the DOC to refrain from establishing or maintaining a residence within one-fourth mile or three city blocks of the perimeter of a school ground.

A sex offender being ordered to a term of community placement is prohibited from establishing or maintaining a residence within one-fourth mile or three city blocks of the perimeter of a school ground.

The same residential restrictions must also be imposed as part of the suspended sentence under the SSOSA or as part of any treatment-based early release from prison.

"School" is defined as including all public K-12 schools, private K-12 schools, colleges, universities, and vocational educational schools.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Schools are targets for sex offenders. Most sex offenders are repeat offenders, and many commit worse crimes when they do re-offend. By forcing sex offenders to live away from schools, they have less opportunity to re-offend. Universities are included in the bill because women on campus deserve the same level of protection as children. Protection of children and young adults should be our top priority. Sex offenders groom new victims, and living near a school gives them more opportunities. Maybe sex offenders should be forced to live even further from schools. Maybe some provision should be made to address a juvenile sex offender who has no other place to live other than the parent's house near a school. More resources are needed for effective supervision of sex offenders.

Testimony Against: None.

Testified: Representative Mark Sterk, prime sponsor (pro); and Deborah Ruggles, Washington Coalition of Sex Assault Programs (pro, with concerns).