

HOUSE BILL ANALYSIS
HB 1456

Title:	An act relating to sex offenders.
Brief Description:	Forbidding certain sex offenders to live near schools or day care centers upon their release back into the community.
Sponsors:	Representatives Koster, Robertson, Backlund, Sherstad, Mitchell, Hickel, Delvin, Cairnes, Wensman, Mulliken, Dunshee.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Hearing Date:	January 20, 1998.
Prepared By:	Yvonne Walker, Research Analyst (786-7841).
Background:	<u>Schools.</u> The term “schools” is defined as including all public and private K-12 schools and day-care centers.

Residence Restrictions. The Community Protection Act of 1990 authorizes local law enforcement agencies to notify local communities regarding the release of sex offenders when it is necessary for public protection.

The Department of Corrections (DOC), the Juvenile Rehabilitation Administration (JRA), and the Indeterminate Sentence Review Board (ISRB) are required to classify all sex offenders releasing from their facilities into risk Levels I (low risk), II (moderate risk), or III (high risk) for the purposes of public notification.

These releasing agencies must issue to appropriate law enforcement agencies narrative notices that contain the identity, criminal history behavior, and risk level classification for each sex offender being released, and for Level II and III offenders, the reasons underlying the classification.

Local law enforcement agencies are required to consider the state classification level when assigning their own level for public notification purposes. When a local jurisdiction assigns a different risk classification level than the one assigned by the releasing agency, the local jurisdiction must notify the releasing agency of its decision and its reasons for doing so.

The Washington Association of Sheriffs and Police Chiefs (WASPC) developed a policy that counties may use as a model in how to distribute public notifications.

Notifications for Level I sex offenders may include the release of information to appropriate law enforcement agencies and, upon request,

relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides.

Notifications for Level II sex offenders may include public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides.

Notifications for Level III sex offenders may also include dissemination of information to the general public (usually through the press).

Local administrators are required to obtain from sex offenders in local jails the city, in addition to the county, where the inmate intends to reside upon release. The administrator must then notify the sheriff of the county and, where applicable, the police chief of the city where the offender intends to reside upon release.

Department of Correction's responsibility. Currently there are no state specifications on where a sex offender can live upon being released to the community. The Department of Corrections, however, has authority to impose residential location and arrangement restrictions as part of any term of community placement imposed for sex offenders.

Summary:

Schools. The term "schools" is expanded to include any post-secondary school of education including colleges, universities, and vocational educational schools.

Residence Restrictions. A sex offender under a term of community supervision or community placement meeting the criteria of a level three notification by a local law enforcement agency is prohibited from maintaining residence within a half mile radius of the perimeter of school property.

Department of Correction's responsibility. Prior to a sex offender's release, the Department of Corrections must identify where the sex offender plans to reside and then notify the local law enforcement agency within that community. If the local law enforcement agencies categorizes the sex offender as a potential level III risk then the department shall disapprove the prospective residence as part of the offender release plan.

Rules Authority:

No.

Fiscal Note:

Received February 12, 1997

Effective Date:

This bill contains an emergency clause and takes effect immediately.