

# HOUSE BILL ANALYSIS

## HB 2482

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**Brief Description:** Revising provisions for the release of sex offenders.

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**Sponsors:** Representatives Veloria and Ballasiotes.

**Hearing:** January 28, 2000

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

#### **BACKGROUND:**

##### Public Notification of Sex Offenders:

Public agencies are authorized to inform the public about sex offenders and kidnapping offenders when doing so is relevant and necessary to protect the public. The extent of the public disclosure must be rationally related to the level of risk to the community, the location where the offender resides or will reside, and the needs of the community for the information to enhance their safety.

In order for local law enforcement agencies to have the information necessary to notify the public about sex offenders, the Department of Corrections (DOC), the Department of Social and Health Services (DSHS), and the Indeterminate Sentence Review Board (ISRB) are required to assess and classify offenders being released from their respective jurisdictions as risk level I, II, or III. They are also required to issue narrative notices regarding the pending release of these offenders to local law enforcement agencies. The notices must include the risk level classification for the offender and, for level II and III offenders, the reasons for the classification.

Local law enforcement agencies must consider these risk level determinations, then assign their own risk level classifications for offenders about whom information will be released, and make a good faith effort to notify the public about the offender at least 14 days before the offender is released from confinement or, if the offender moves from another

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jurisdiction, as soon as possible after the agency learns of the move. When the local agency assigns a different risk level than that of the DOC, DSHS, or ISRB, the agency must notify the appropriate department and submit reasons supporting its differing classification.

The various levels of risk and the corresponding methods of notification are as follows:

Level I (lowest risk): To law enforcement and, upon request, victims, witnesses, and individuals who live near where the offender resides.

Level II (moderate risk): Notification as described for level I and also to schools, day care centers, businesses and organizations that serve children, women, or vulnerable adults, neighbors, and community groups.

Level III (highest risk): Notification as described for levels I and II, and also to the public at large.

#### Release Plans for Sex Offenders:

The DOC administers an end-of-sentence review committee that assigns risk levels, reviews available release plans, and makes appropriate referrals for sex offenders being released. The department is required to have a process by which victims, witnesses, and other interested parties can provide information and comments to the department on potential safety risks posed by a specific sex offender. For an offender convicted of a felony sex offense against a minor victim, the department may not approve a residence that includes a child of similar age or circumstance as the previous victim who the department determines may be at risk, or a residence that is close to the current residence of a minor victim. The DOC also may reject a proposed residence if it is within close proximity to schools, child care centers, playgrounds, or similar locations.

#### **SUMMARY OF BILL:**

##### Public Notification:

The Department of Corrections is responsible for the initial notification for level II and III offenders being released from state correctional facilities, and the Department of Social and Health Services is responsible for the initial notification for level II and III offenders being released from Juvenile Rehabilitation Administration facilities. The respective agencies must make a good faith effort to accomplish this notification at least 14 days before the offender is released from confinement.

Local law enforcement agencies retain responsibility for notification (if any) with respect to level I offenders, and notification regarding all levels of offenders who move from another jurisdiction or move after the initial notification is made by the DOC or DSHS.

Release Plans for Sex Offenders:

In approving release plans for level II and III sex offenders, the DOC is required to take into consideration the proximity of the residence locations of other level II and III sex offenders, for the purpose of limiting the number of such offenders living in one area.

**FISCAL NOTE:** Received on January 26, 2000.

**EFFECTIVE DATE:** Ninety days after adjournment of a session in which bill is passed.