
Criminal Justice & Corrections Committee

SSB 6501

Brief Description: Prohibiting sex offenders from residing near victims.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Benton, Rasmussen, Stevens, Oke, Fairley, Finkbeiner, Johnson, Hochstatter, Winsley, Swecker, Roach, Keiser, McDonald, Prentice, Hale, Morton, Honeyford, McCaslin, Hewitt, Sheahan and Deccio).

Brief Summary of Substitute Bill

- Requires juveniles found guilty of a sex offense to be detained prior to disposition.
- Restricts residences of any offender convicted of a felony sex offense, regardless of the victim's age.
- Requires the Department of Corrections (DOC), upon request, to meet with a community when four or more sex offenders reside in the same building or city block.

Hearing Date: 2/28/02

Staff: Yvonne Walker (786-7841).

Background:

Juveniles held in Detention: In general, a juvenile found guilty of a crime may be held in detention, prior to disposition, for a variety of reasons provided that there is probable cause that the juvenile committed an offense or violated the terms of a disposition order and he or she will likely fail to appear for further judicial proceedings. Juveniles may also be held in detention:

- when it is necessary for the juvenile's or the community's protection;
- anytime where it is felt that the juvenile may interfere with the administration of justice (i.e. intimidate witnesses);
- if the juvenile has committed a crime while another case is pending;
- if the juvenile is a fugitive from justice;
- if the juvenile's parole has been suspended or modified; or
- if the juvenile is a material witness in a case.

Courts have the option to detain a juvenile, guilty of an offense, in custody pending disposition.

Release Plans: Unlike adult offenders, juvenile sex offenders committed to the custody of the Juvenile Rehabilitation Administration (JRA) are not required to submit a release plan that includes an approved residence and living arrangement prior to their release into the community. The JRA must set a release date for each juvenile offender committed to its custody and upon his/her release must require the offender to comply with any required program of parole.

In instances, where an adult offender has been convicted of a felony sex offense against a minor, the DOC may not approve a residential release plan if: 1) the residence includes the offender's minor victim or a child of the same age or circumstances as a previous victim who the department determines may be put at substantial risk by the offender's residence or 2) the residence is in close proximity to the current residence of a victim. The department may pursue the residence if the whereabouts of the victim cannot be determined or if a restriction on the offender's residence would impede family reunification ordered by a court or directed by the department.

Summary of Bill:

Juveniles held in Detention: The provision relating to when a juvenile must be detained in detention, pending disposition, is expanded. A juvenile that has been found guilty of an offense, but not yet sentenced, must be held in detention if he or she has been found guilty of any of the following offenses: rape in the first or second degree; rape of a child in the first, second, or third degree; child molestation in the first, second, or third degree; sexual misconduct with a minor in the first or second degree; indecent liberties; incest; luring; any class A or B felony that is sexually motivated; a felony violation of communicating with a minor for immoral purposes; or a criminal attempt, solicitation, or conspiracy to commit any of these offenses.

Release Plans: The JRA has the authority to approve the residence of any juvenile found guilty of a felony sex offense. The JRA may not approve a residence location if: 1) the residence includes the offender's child victim or a child of the same age or circumstances as a previous victim who the department determines may be put at substantial risk by the offender's residence or 2) the residence is in close proximity to the current residence of a victim. The department may pursue the residence if the whereabouts of the victim cannot be determined or if a restriction on the offender's residence would impede family reunification ordered by a court or directed by the Department of Social and Health Services.

A provision is also included that requires the DOC to disapprove residences of any offender convicted of a felony sex offense regardless of the victim's age.

Community Notification: In instances where four or more sex offenders occupy a building or are within the same city block the DOC, upon request, must meet with the community. The meetings must help to reinforce the policies surrounding community notification and must emphasize that no neighborhood watch program may be used to harass or intimidate any person. The department must provide community education and technical assistance to the

community in establishing a neighborhood watch program and may incorporate features of other successful neighborhood watch programs into its technical assistance.

Appropriation: None.

Fiscal Note: Available.

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