

SENATE BILL REPORT

SB 6501

As Reported By Senate Committee On:
Human Services & Corrections, February 6, 2002

Title: An act relating to sex offender and kidnapping offender residences.

Brief Description: Prohibiting sex offenders and kidnapping offenders from residing within five miles of victims.

Sponsors: Senators Benton, Rasmussen, Stevens, Oke, Fairley, Finkbeiner, Johnson, Hochstatter, Winsley, Swecker, Roach, Keiser, McDonald, Prentice, Hale, Morton, Honeyford, McCaslin, Hewitt, Sheahan and Deccio.

Brief History:

Committee Activity: Human Services & Corrections: 1/23/02, 2/6/02 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6501 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Fara Daun (786-7459)

Background: Generally, adult sex offenders under supervision in the community have conditions of supervision that require an approved residence. The Juvenile Rehabilitation Administration is not currently authorized to approve residences during a sex offender's parole. Among the things that the Department of Corrections (DOC) considers in approving a residence is whether the residence is likely to bring the offender into contact with his or her victim. Concerns have been raised, however, when a court has ordered an offender released to a residence that is in close proximity to a victim's residence. The adult court may not release specified sex offenders pending sentence. No such prohibition exists in the Juvenile Justice Act.

Summary of Substitute Bill: The court may not release a juvenile found guilty of specified serious sex offenses pending sentencing. The Juvenile Rehabilitation Administration (JRA) has the authority to approve residences and living situations for juvenile sex offenders on parole. Unless a victim's location cannot be determined or a restriction on the offender's residence would impede family reunification ordered by a court or directed by DSHS, JRA may not approve a residence where the offender's child victim or a child of the same age and circumstances lives and may be put at substantial risk by the offender's residence or where the residence is in close proximity to the minor victim. DOC must include adult victims in its residence approval after the effective date of the act.

Substitute Bill Compared to Original Bill: The substitute strikes the original bill except for the provision requiring DOC to consider adult victims.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: A juvenile offender who raped a ten-year old girl was released to his parents pending sentencing. His parents lived in the same neighborhood as the victim and his presence in the neighborhood traumatized the victim. This should not be allowed to happen. The victim community supports the intent of the legislation but has concerns that it creates a narrowly targeted area in which an offender could search for his or her victim or victims. There is an ongoing workgroup addressing the issues of victim notification and protection around the issue of sex offender release. The issue of juvenile release pending sentencing could be better addressed by copying the prohibitions in the adult code into the Juvenile Justice Act. The five-mile limit is problematic and the bill needs to be redefined because placing a residence prohibition into the sex offender registration statute and making violation of that prohibition a crime brings into question whether that statute remains regulatory or has become punitive. Residence provisions are not a big problem with adults because DOC can regulate during their supervision in the community. By contrast, most juvenile offenders are returned to their parents and that is usually in the neighborhood where the offense took place.

Testimony Against: The standard in current law is "close proximity" which can depend on the circumstances of the case. With 15,000 sex offenders in the community and a five-mile limit, where are they supposed to go? Some towns are not five miles in diameter. Do we make families move because a family member is a sex offender? Human Services and Corrections first looked at a five-mile radius in 1996 and rejected it in favor of the close proximity standard. None of the reasons for not using a five-mile standard are different today.

Testified: Senator Don Benton, prime sponsor; Lori Blankenship, citizen (pro); Suzanne Brown, Washington Coalition of Sexual Assault Programs (concerns); Tom McBride, Washington Association of Prosecuting Attorneys (concerns); Detective Joseph Beard, Snohomish County Sheriff (concerns); Sherry Appleton, Washington Defender Association, Washington Association of Criminal Defense Lawyers (con); Victoria Roberts, DOC (concerns).