

SENATE BILL REPORT

SB 5047

As Reported By Senate Committee On:
Government Operations & Elections, February 26, 2003

Title: An act relating to siting of secure community transition facilities.

Brief Description: Limiting siting of secure residential facilities for sexually violent predators to properties zoned for industrial use.

Sponsors: Senators Roach, Eide, T. Sheldon and Keiser.

Brief History:

Committee Activity: Government Operations & Elections: 1/24/03, 2/26/03 [DPS].
Ways & Means: 3/6/03.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5047 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Staff: Mac Nicholson (786-7445)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Chelsea Buchanan (786-7446)

Background: In order to bring the state's sex offender civil commitment process into line with constitutional requirements, legislation was passed over the last biennium requiring counties, and the cities within those counties, to adopt development regulations for the siting of Secure Community Transition Facilities (SCTFs) for sexually violent predators. Six counties (King, Snohomish, Kitsap, Thurston, Clark, and Spokane), and the cities within those counties, were given a deadline of October 1, 2002 to develop such regulations. Counties and cities that failed to adopt conforming development regulations (regulations that are not more restrictive than statutory requirements) were preempted.

The Department of Social and Health Services (DSHS) must meet certain statutory requirements before siting SCTFs, including a public comment and hearing process in the preempted cities and counties, and choosing sites away from "risk potential" activities or facilities. "Risk potential" activities or facilities include public and private schools, school bus stops, licensed daycare and preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches and public libraries. DSHS must also look at law enforcement response time and proximity to available medical, mental health, sex offender, and chemical dependency treatment facilities in the SCTF siting process.

The statutes specifically state that they shall not be construed to limit the siting of SCTFs to residential neighborhoods.

Summary of Substitute Bill: The siting of SCTFs is limited to properties zoned for industrial use.

Substitute Bill Compared to Original Bill: The substitute bill amends the title and intent section to make it clear that the bill applies to siting secure residential facilities for sexually violent predators in industrial zones.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: These sex offenders need to be put in industrial areas and away from families and children. An escaped offender will cause less harm in an industrial area than in a residential neighborhood.

Testimony Against: DSHS looked in industrial areas and could not find any that met the siting criteria. This bill would effectively undo all the work DSHS has done and may subject the state to monetary sanctions.

Testified: PRO: Joe Daniels, City of SeaTac; Richard Reece, Concerned Citizens of Auburn and Federal Way; Amy Franz; Vern Needham; CON: Mark Seling, DSHS.