
HOUSE BILL 2342

State of Washington 58th Legislature 2004 Regular Session

By Representatives Veloria, Carrell, O'Brien, Chase, Sullivan and Edwards

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1 AN ACT Relating to supervision of sex offenders; and amending RCW
2 9.94A.700 and 72.09.340.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.94A.700 and 2003 c 379 s 4 are each amended to read
5 as follows:

6 When a court sentences an offender to a term of total confinement
7 in the custody of the department for any of the offenses specified in
8 this section, the court shall also sentence the offender to a term of
9 community placement as provided in this section. Except as provided in
10 RCW 9.94A.501, the department shall supervise any sentence of community
11 placement imposed under this section.

12 (1) The court shall order a one-year term of community placement
13 for the following:

14 (a) A sex offense or a serious violent offense committed after July
15 1, 1988, but before July 1, 1990; or

16 (b) An offense committed on or after July 1, 1988, but before July
17 25, 1999, that is:

18 (i) Assault in the second degree;

19 (ii) Assault of a child in the second degree;

1 (iii) A crime against persons where it is determined in accordance
2 with RCW 9.94A.602 that the offender or an accomplice was armed with a
3 deadly weapon at the time of commission; or

4 (iv) A felony offense under chapter 69.50 or 69.52 RCW not
5 sentenced under RCW 9.94A.660.

6 (2) The court shall sentence the offender to a term of community
7 placement of two years or up to the period of earned release awarded
8 pursuant to RCW 9.94A.728, whichever is longer, for:

9 (a) An offense categorized as a sex offense committed on or after
10 July 1, 1990, but before June 6, 1996, including those sex offenses
11 also included in other offense categories;

12 (b) A serious violent offense other than a sex offense committed on
13 or after July 1, 1990, but before July 1, 2000; or

14 (c) A vehicular homicide or vehicular assault committed on or after
15 July 1, 1990, but before July 1, 2000.

16 (3) The community placement ordered under this section shall begin
17 either upon completion of the term of confinement or at such time as
18 the offender is transferred to community custody in lieu of earned
19 release. When the court sentences an offender to the statutory maximum
20 sentence then the community placement portion of the sentence shall
21 consist entirely of the community custody to which the offender may
22 become eligible. Any period of community custody actually served shall
23 be credited against the community placement portion of the sentence.

24 (4) Unless a condition is waived by the court, the terms of any
25 community placement imposed under this section shall include the
26 following conditions:

27 (a) The offender shall report to and be available for contact with
28 the assigned community corrections officer as directed;

29 (b) The offender shall work at department-approved education,
30 employment, or community restitution, or any combination thereof;

31 (c) The offender shall not possess or consume controlled substances
32 except pursuant to lawfully issued prescriptions;

33 (d) The offender shall pay supervision fees as determined by the
34 department; (~~and~~)

35 (e) The residence location and living arrangements shall be subject
36 to the prior approval of the department during the period of community
37 placement; and

1 (f) The residence location and living arrangements for any offender
2 convicted of a felony sex offense released on or after July 1, 2004,
3 shall not be approved by the department if more than two sex offenders
4 already reside in the same building or within the same city block who
5 are under the supervision of the department for terms of community
6 custody, community placement, or community supervision.

7 (5) As a part of any terms of community placement imposed under
8 this section, the court may also order one or more of the following
9 special conditions:

10 (a) The offender shall remain within, or outside of, a specified
11 geographical boundary;

12 (b) The offender shall not have direct or indirect contact with the
13 victim of the crime or a specified class of individuals;

14 (c) The offender shall participate in crime-related treatment or
15 counseling services;

16 (d) The offender shall not consume alcohol; or

17 (e) The offender shall comply with any crime-related prohibitions.

18 (6) An offender convicted of a felony sex offense against a minor
19 victim after June 6, 1996, shall comply with any terms and conditions
20 of community placement imposed by the department relating to contact
21 between the sex offender and a minor victim or a child of similar age
22 or circumstance as a previous victim.

23 (7) Prior to or during community placement, upon recommendation of
24 the department, the sentencing court may remove or modify any
25 conditions of community placement so as not to be more restrictive.

26 **Sec. 2.** RCW 72.09.340 and 1996 c 215 s 3 are each amended to read
27 as follows:

28 (1) In making all discretionary decisions regarding release plans
29 for and supervision of sex offenders, the department shall set
30 priorities and make decisions based on an assessment of public safety
31 risks.

32 (2) The department shall, no later than September 1, 1996,
33 implement a policy governing the department's evaluation and approval
34 of release plans for sex offenders. The policy shall include, at a
35 minimum, a formal process by which victims, witnesses, and other
36 interested people may provide information and comments to the
37 department on potential safety risks to specific individuals or classes

1 of individuals posed by a specific sex offender. The department shall
2 make all reasonable efforts to publicize the availability of this
3 process through currently existing mechanisms and shall seek the
4 assistance of courts, prosecutors, law enforcement, and victims'
5 advocacy groups in doing so. Notice of an offender's proposed
6 residence shall be provided to all people registered to receive notice
7 of an offender's release under RCW 9.94A.612(2), except that in no case
8 may this notification requirement be construed to require an extension
9 of an offender's release date.

10 (3) For any offender convicted of a felony sex offense against a
11 minor victim after June 6, 1996, the department shall not approve a
12 residence location if the proposed residence: (a) Includes a minor
13 victim or child of similar age or circumstance as a previous victim who
14 the department determines may be put at substantial risk of harm by the
15 offender's residence in the household; or (b) is within close proximity
16 of the current residence of a minor victim, unless the whereabouts of
17 the minor victim cannot be determined or unless such a restriction
18 would impede family reunification efforts ordered by the court or
19 directed by the department of social and health services. The
20 department is further authorized to reject a residence location if the
21 proposed residence is within close proximity to schools, child care
22 centers, playgrounds, or other grounds or facilities where children of
23 similar age or circumstance as a previous victim are present who the
24 department determines may be put at substantial risk of harm by the sex
25 offender's residence at that location.

26 (4) For any offender convicted of a felony sex offense on or after
27 July 1, 2004, the department shall not approve a residence location if
28 more than two sex offenders already reside in the same building or
29 within the same city block as the proposed residence and such sex
30 offenders are under the supervision of the department for terms of
31 community custody, community placement, or community supervision.

32 (5) When the department requires supervised visitation as a term or
33 condition of a sex offender's community placement under RCW
34 9.94A.700(6), the department shall, prior to approving a supervisor,
35 consider the following: (a) The relationships between the proposed
36 supervisor, the offender, and the minor; (b) the proposed supervisor's
37 acknowledgment and understanding of the offender's prior criminal
38 conduct, general knowledge of the dynamics of child sexual abuse, and

1 willingness and ability to protect the minor from the potential risks
2 posed by contact with the offender; and (c) recommendations made by the
3 department of social and health services about the best interests of
4 the child.

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