
SENATE BILL 5205

State of Washington

58th Legislature

2003 Regular Session

By Senators Roach, Shin, Hewitt, Horn, Thibaudeau, Schmidt, McCaslin, Benton, Franklin, Keiser, McAuliffe, Oke, Rasmussen, T. Sheldon and Eide

Read first time 01/17/2003. Referred to Committee on Children & Family Services & Corrections.

1 AN ACT Relating to monitoring of sex offenders; adding new sections
2 to chapter 9.94A RCW; adding new sections to chapter 13.40 RCW;
3 providing an effective date; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
6 to read as follows:

7 (1) Every adult who has been convicted of any sex offense, and who
8 is determined by the end of the sentence review committee process to be
9 a level 2 or level 3 offender, shall wear an electronic home monitoring
10 device at all times he or she is not in total confinement. If the
11 person lacks a fixed residence, he or she shall report to the
12 department of corrections every twenty-four hours. To the extent that
13 electronic monitoring devices that employ global positioning system
14 technology are available, such devices shall be utilized.

15 (2) The offender shall pay the cost of electronic home monitoring
16 or the use of alternate monitoring devices. The department of
17 corrections shall determine the cost. If the offender is indigent, the
18 department shall waive the cost.

1 (3) An offender may petition the superior court to be relieved of
2 the duty established under subsection (1) of this section. The court
3 shall consider the nature of the offense, the criminal and relevant
4 noncriminal behavior of the petitioner both before and after
5 adjudication, and may consider other factors.

6 (4) This section shall apply to all offenders released from total
7 confinement after the effective date of this act.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
9 to read as follows:

10 The secretary of the department of corrections shall notify all sex
11 offenders currently under supervision in the community of the
12 requirement to wear electronic monitoring devices commencing July 1,
13 2003.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40 RCW
15 to read as follows:

16 (1) Every juvenile who has been convicted of any sex offense, and
17 who is determined by the end of the sentence review committee process
18 to be a level 2 or level 3 offender, shall wear an electronic home
19 monitoring device at all times he or she is not in total confinement.
20 If the person lacks a fixed residence, he or she shall report to the
21 department of corrections every twenty-four hours. To the extent that
22 electronic monitoring devices that employ global positioning system
23 technology are available, such devices shall be utilized.

24 (2) The offender shall pay the cost of electronic home monitoring
25 or the use of alternate monitoring devices. The department of
26 corrections shall determine the cost. If the offender is indigent, the
27 department shall waive the cost.

28 (3) An offender may petition the superior court to be relieved of
29 the duty established under subsection 1 of this section. The court
30 shall consider the nature of the offense, the criminal and relevant
31 noncriminal behavior of the petitioner both before and after
32 adjudication, and may consider other factors.

33 (4) This section shall apply to all offenders released from total
34 confinement after the effective date of this act.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.40 RCW
2 to read as follows:

3 The secretary of the department of social and health services shall
4 notify all sex offenders currently under supervision in the community
5 of the requirement to wear electronic monitoring devices commencing
6 July 1, 2003.

7 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 July 1, 2003.

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