

FINAL BILL REPORT

SHB 1147

C 436 L 05

Synopsis as Enacted

Brief Description: Protecting communities from sex offenders through the establishment of community protection zones.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Clements, O'Brien, Skinner, Woods, Pearson, Simpson, Lovick, Tom and B. Sullivan).

House Committee on Criminal Justice & Corrections
Senate Committee on Human Services & Corrections

Background:

The standard sentence range for an offender convicted of more than one "two strikes" sex offense is life in prison without the possibility of parole. Two strikes sex offenses include:

- rape in the first and second degrees;
- rape of a child in the first and second degrees;
- child molestation in the first degree;
- indecent liberties by forcible compulsion; and
- the following crimes when committed *with sexual motivation*:
 - murder in the first and second degrees;
 - homicide by abuse;
 - kidnapping in the first and second degrees;
 - assault in the first and second degrees;
 - assault of a child in the first degree; and
 - burglary in the first degree.

An offender who commits a first "two strikes" sex offense is sentenced to a "determinate plus" sentence. Such an offender will receive a minimum term and a maximum term. The minimum term is generally equal to the offender's standard range sentence. The maximum term is the statutory maximum term for the crime: life for class A felonies, 10 years for class B felonies, and five years for class C felonies.

The offender will be evaluated by the Indeterminate Sentence Review Board after the expiration of his or her minimum term and must be released unless he or she is likelier than not to commit a predatory sex offense. If the offender is released, he or she will be on community custody for the remainder of his or her maximum term. The terms for the community custody must include conditions such as reporting to a community corrections officer and obtaining residence approval from the Department of Corrections (DOC).

Summary:

Community Protection Zone. Community protection zones are established around public and private schools. The zones have a radius of 880 feet around the schools.

The court must prohibit an offender who is convicted of a first "two strikes" sex offense against a minor victim from residing in a community protection zone while on community custody. In addition, the DOC may not approve a residence location for the offender if the proposed residence is in a community protection zone.

Law enforcement agencies and the DOC are immune from civil liability for damages from any discretionary decisions made if they make a good faith effort to comply with the act.

Joint Task Force on Sex Offender Management. A Joint Task Force on Sex Offender Management is established. The task force, in collaboration with the Partnership for Community Safety, must examine issues of community safety and the management of sex offenders in the community.

The task force must be chaired by one of the legislative members, selected by the task force members. The task force members include one member of each of the two largest caucuses of the Senate, appointed by the president of the Senate; one member of each of the two largest caucuses of the House of Representatives, appointed by the speaker of the House; the secretary of the Department of Corrections; the Superintendent of Public Instruction; the secretary of the Department of Social and Health Services; the attorney general; the executive director of the Washington Association of Sheriffs and Police Chiefs; the Executive Director of the Indeterminate Sentence Review Board; the chair of the End of Sentence Review Committee; the executive director of the Criminal Justice Training Commission; and a representative of the broadcast media and the print media, appointed by the governor.

The task force must make recommendations to the Governor and the Legislature by December 1, 2005, on the following subjects:

- The effectiveness of community protection zones and other strategies to promote community safety, including recommendations on proactive and reactive approaches to sex offender residence locations and any statutory, constitutional, or practical limitations on the state's ability to address sex offender housing requirements;
- Standardization of the community sex offender notification process;
- Applicability of the public disclosure act to sex offender information sharing;
- The training needs of law enforcement, criminal justice staff, and school personnel to increase community safety in relationship to sex offender notification and management strategies; and
- The impact and advisability of pre-notification of local government officials related to sex offender residence location.

The entire act expires on July 1, 2006

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)

House 95 0 (House concurred)

Effective: July 24, 2005