
**Criminal Justice & Corrections
Committee**

HB 2700

Brief Description: Revising provisions relating to community protection zones.

Sponsors: Representatives O'Brien, Ericks, Rodne, Kilmer, Green, Sells, McDonald, Kenney, P. Sullivan, McCoy, Simpson, Springer, Moeller, Morrell, Lantz and Linville; by request of Attorney General.

Brief Summary of Bill

- Removes the expiration date for provisions that prohibit certain sex offenders from living in close proximity to schools.
- Preempts local ordinances on the same subject matter.

Hearing Date: 1/26/06

Staff: Jim Morishima (786-7191).

Background:

Offenders who commit a first "two strikes" offense are subject to "determinate-plus" sentencing. A court must sentence such offender to a minimum term and a maximum term. The minimum term is generally equal to the standard range sentence. The maximum term is equal to the statutory maximum for the offense: life for class A felonies, 10 years for class B felonies, and five years for class C felonies.

The Indeterminate Sentence Review Board (ISRB) must evaluate the offender prior to the expiration of the minimum term. The ISRB must order the release of the offender upon expiration of the minimum term unless the offender is likelier than not to commit a sex offense if released. If the ISRB does not release the offender, it must re-evaluate the offender at least once every two years up to the offenders maximum term. If the ISRB releases the offender, the offender will be on community custody status for the remainder of his or her maximum term.

I. Community Protection Zones

An offender sentenced to a determinate-plus sentence for a two-strikes offense committed against a minor victim is prohibited from living within a "community protection zone" for the duration of his or her term of community custody. A community protection zone is the area within two

blocks of a public or private school. The legislation creating these living restrictions terminates on July 1, 2006.

II. Local Restrictions

Recently, local governments have begun to enact ordinances that limit where a registered sex offender may live. For example, in August of 2005, the City of Issaquah enacted an ordinance that prohibited registered level II and III sex offenders from living near facilities such as schools and day-care centers. In November of 2005, the City of Monroe enacted a similar ordinance.

Summary of Bill:

I. Community Protection Zones

The expiration date is repealed for the prohibition against "two strikes" offenders residing within community protection zones.

II. Local Restrictions

The provisions of law dealing with community protection zones supersede and preempt all rules, regulations, codes, statues, and ordinances of all cities, counties, municipalities, and local agencies regarding the same subject matter.

Appropriation: None.

Fiscal Note: Requested on January 12, 2006.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.