

HOUSE BILL REPORT

HB 2700

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to community protection zones.

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 History:

Committee Activity:

Criminal Justice & Corrections: 1/26/06, 1/31/06 [DP].

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.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 5 members: Representatives O'Brien, Chair; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Minority Report: Do not pass. Signed by 2 members: Representatives Darneille, Vice Chair and Pearson, Ranking Minority Member.

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 offender's 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: Available.

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

Testimony For: If community protection zones are made permanent, there should be a statewide system, instead of a patchwork of local regulations. If cities exclude sex offenders from their boundaries, the offenders will go to unincorporated areas, away from law enforcement, treatment, and employment. The state already preempts local governments for

felony crimes, so it should also preempt locals with respect to community protection zones, which are a result of a felony conviction. This bill was drafted with input from prosecutors and law enforcement.

Testimony Against: None.

Persons Testifying: Todd Bowers, Office of the Attorney General; and Sophia Byrd McSherry, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.