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HOUSE BILL 2413

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Lovick, Rodne, O'Brien, Ericks, Anderson, Kessler, Jarrett, Nixon, Williams, Clibborn, Linville, Hunt, Conway, P. Sullivan, Tom, Fromhold, Dunshee, Morrell, Simpson, Springer, Green, Miloscia, Sells, Upthegrove, Campbell and Ormsby

Prefiled 1/3/2006. Read first time 01/09/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to requiring the department of corrections to  
2 electronically monitor, using a global positioning system, offenders  
3 who are level three or lack a fixed residence, committed their offenses  
4 against minors, and are serving a term of community custody; adding a  
5 new section to chapter 72.09 RCW; adding a new section to chapter 4.24  
6 RCW; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 72.09 RCW  
9 to read as follows:

10 (1) The department shall, in consultation with the Washington  
11 association of sheriffs and police chiefs, conduct a pilot project to  
12 evaluate the effectiveness and cost of electronically monitoring sex  
13 offenders using an active global positioning system. The department  
14 shall electronically monitor, using an active global positioning system  
15 or similar system that is designed to actively monitor, identify, and  
16 timely report a person's location, all offenders who:

17 (a) Are serving a term of community custody on or after the  
18 effective date of this act;

1 (b) Are required to register under RCW 9A.44.130 pursuant to a  
2 conviction for a sex offense committed against a victim under the age  
3 of eighteen; and

4 (c) Have been designated as risk level three or have registered as  
5 lacking a fixed residence.

6 (2) By December 1, 2007, the department must report to the governor  
7 and the appropriate committees of the legislature the results of the  
8 pilot project. The report shall include the following information:

9 (a) The availability of active global positioning system  
10 technology, including a description of the system used and the  
11 alternatives that are available and appropriate for monitoring sex  
12 offenders;

13 (b) The limitations and reliability of the technology, including  
14 geographic or weather-based limitations and the rate of false alarms;

15 (c) Any training that is required for department staff or persons  
16 subject to monitoring;

17 (d) The advisability and feasibility of expanding the monitoring  
18 requirement to other populations of sex offenders, including a  
19 description of the populations that should be monitored, if any;

20 (e) The costs of the monitoring, including equipment costs,  
21 monitoring fees, and any changes to department staffing levels;

22 (f) The ability of monitored persons to pay for the costs of the  
23 monitoring;

24 (g) The rate of loss or damage of monitoring equipment, and the  
25 reasons the equipment was lost or damaged; and

26 (h) Any other information the department deems appropriate.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW  
28 to read as follows:

29 The department and any employee of the department acting within the  
30 scope of his or her employment are immune from civil liability  
31 resulting from acts or omissions relating to information gathered on  
32 offenders using an active global positioning system under section 1 of  
33 this act, unless the department or the employee acted with gross  
34 negligence or in bad faith.

1        NEW SECTION.    **Sec. 3.**    This act takes effect July 1, 2006.

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