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SENATE BILL 5648

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State of Washington

61st Legislature

2009 Regular Session

By Senators Berkey, McAuliffe, Kauffman, Carrell, and Shin

Read first time 01/28/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to sex offender residence approval; amending RCW  
2 72.09.340; and providing an effective date.

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

4 **Sec. 1.** RCW 72.09.340 and 2005 c 436 s 3 are each amended to read  
5 as follows:

6 (1) In making all discretionary decisions regarding release plans  
7 for and supervision of sex offenders, the department shall set  
8 priorities and make decisions based on an assessment of public safety  
9 risks.

10 (2) The department shall, no later than September 1, 1996,  
11 implement a policy governing the department's evaluation and approval  
12 of release plans for sex offenders. The policy shall include, at a  
13 minimum, a formal process by which victims, witnesses, and other  
14 interested people may provide information and comments to the  
15 department on potential safety risks to specific individuals or classes  
16 of individuals posed by a specific sex offender. The department shall  
17 make all reasonable efforts to publicize the availability of this  
18 process through currently existing mechanisms and shall seek the  
19 assistance of courts, prosecutors, law enforcement, and victims'

1 advocacy groups in doing so. Notice of an offender's proposed  
2 residence shall be provided to all people registered to receive notice  
3 of an offender's release under RCW (~~(9.94A.612(2))~~) 72.09.712, except  
4 that in no case may this notification requirement be construed to  
5 require an extension of an offender's release date.

6 (3) In addition to any other factors considered by the department  
7 in exercising its discretion regarding release plans for and  
8 supervision of sex offenders, the department shall, prior to approving  
9 a residence location, consider the number of registered sex offenders  
10 currently residing within one mile of the proposed address.

11 (4)(a) For any offender convicted of a felony sex offense against  
12 a minor victim after June 6, 1996, the department shall not approve a  
13 residence location if the proposed residence: (i) Includes a minor  
14 victim or child of similar age or circumstance as a previous victim who  
15 the department determines may be put at substantial risk of harm by the  
16 offender's residence in the household; or (ii) is within close  
17 proximity of the current residence of a minor victim, unless the  
18 whereabouts of the minor victim cannot be determined or unless such a  
19 restriction would impede family reunification efforts ordered by the  
20 court or directed by the department of social and health services. The  
21 department is further authorized to reject a residence location if the  
22 proposed residence is within close proximity to schools, child care  
23 centers, playgrounds, or other grounds or facilities where children of  
24 similar age or circumstance as a previous victim are present who the  
25 department determines may be put at substantial risk of harm by the sex  
26 offender's residence at that location.

27 (b) In addition, for any offender prohibited from living in a  
28 community protection zone (~~(under RCW 9.94A.712(6)(a)(ii))~~), the  
29 department may not approve a residence location if the proposed  
30 residence is in a community protection zone.

31 ~~((4))~~ (5) When the department requires supervised visitation as  
32 a term or condition of a sex offender's community placement under RCW  
33 (~~(9.94A.700(6))~~) 9.94B.050, the department shall, prior to approving a  
34 supervisor, consider the following: (a) The relationships between the  
35 proposed supervisor, the offender, and the minor; (b) the proposed  
36 supervisor's acknowledgment and understanding of the offender's prior  
37 criminal conduct, general knowledge of the dynamics of child sexual  
38 abuse, and willingness and ability to protect the minor from the

1 potential risks posed by contact with the offender; and (c)  
2 recommendations made by the department of social and health services  
3 about the best interests of the child.

4 NEW SECTION. **Sec. 2.** This act takes effect August 1, 2009.

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