
**Public Safety & Emergency Preparedness
Committee**

HB 1977

Brief Description: Restricting sex offenders' access to schools.

Sponsors: Representatives Rivers, Taylor, Zeiger, Dahlquist, McCune and Kelley.

Brief Summary of Bill

- Creates the crime of criminal trespass on school property by a sex offender.

Hearing Date: 1/17/12

Staff: Sarah Koster (786-7303).

Background:

Criminal Trespass Against Children.

Under current law, a sex offender can be prosecuted for trespassing on the premises of certain public or private facilities, including schools, pursuant to the conditions outlined in RCW 9A.44.196.

Under this statute, the owner, manager, or operator of a covered entity may order a covered offender from the legal premises by providing the offender with personal service of written notice that the offender's presence on the premises is prohibited and punishable as a felony offense, criminal trespass against children.

A "covered entity" is any public facility or private facility whose primary purpose, at any time, is to provide for the education, care, or recreation of a child or children, including but not limited to community and recreational centers, playgrounds, schools, swimming pools, and state or municipal parks.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A "covered offender" is a person over age 18 who is required to register as a sex offender, is classified at level II or III by the End of Sentence Review Committee and has committed one of the following offenses: rape of a child; child molestation; indecent liberties against a child under age 15; sexual misconduct with a minor; incest; luring with sexual motivation; offenses involving depictions of minors engaged in sexually explicit conduct; sexual exploitation of a minor; communicating with a minor for immoral purposes; commercial sexual abuse of a minor; any other felony for which there was a finding that the offense was committed with sexual motivation and the victim was less than 16 years old; an attempt, conspiracy, or solicitation to commit any of the above offenses; or any conviction from any other jurisdiction which is comparable to any of the offenses listed above.

Criminal trespass against children is a class C felony.

Summary of Bill:

House Bill 1977 criminalizes certain sex offenders from entering onto school premises.

This bill does not prohibit the entry of sex offenders onto school premises under certain conditions:

1. if the offender is a student at the school; or
2. if the offender is a parent or guardian of a child who attends the school and has been given written permission from a school administrator to enter school grounds for a specific purpose.

This bill covers the same group of sex offenders as criminal trespass against children: any person over age 18 who is required to register as a sex offender, is classified at level II or III by the End of Sentence Review Committee and has committed one of a list of sexual offenses involving a minor. This list is described in greater detail above.

For the purposes of this bill, "school" includes public and private schools, but does not include home-based instruction.

The crime of criminal trespass on school property by a sex offender is a class C felony, for a first offense, and a class B felony for a subsequent offense.

Appropriation: None.

Fiscal Note: Requested on January 10, 2012.

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