

# SENATE BILL REPORT

## SB 5102

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As of January 26, 2011

**Title:** An act relating to registered persons in adult family homes and boarding homes.

**Brief Description:** Requiring adult family homes and boarding homes to provide notice of registered sex offenders and kidnapping offenders.

**Sponsors:** Senators Carrell, Stevens, Schoesler, Pflug, Ericksen, Roach and Holmquist Newbry.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/25/11.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Shani Bauer (786-7468)

**Background:** Sex and kidnapping offenders are required to register with the sheriff of the county in which they reside within specified timeframes. The offender must provide notice to the sheriff anytime the offender changes residences. If the offender moves to a new county, the offender must register with the sheriff of the new county.

The sheriff will, in turn, conduct community notification of registered offenders depending on the assigned risk level of the offender. For offenders classified as a risk level I, the sheriff may share information with other appropriate law enforcement agencies, with schools and institutions if the offender is a student, and with victims or interested members of the public who live near the person's residence who request information about registered offenders. For offenders classified as a risk level II, the sheriff may additionally share information with organizations and entities that serve primarily children and vulnerable adults, and with neighbors and community groups who live near the residence of the offender. For offenders classified as a risk level III, the sheriff may additionally share information with the public at large and must publish community notification of the offender in at least one newspaper.

In addition to the community notification conducted by the local sheriff, the Washington Association of Sheriffs and Police Chiefs must create and maintain a website that posts registration information about all level II and level III sex offenders and level I offenders who are out of compliance with registration requirements.

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*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.*

An adult family home is a home, licensed by the Department of Social and Health Services (DSHS) that provides room and board, personal care, and special care to between one and six residents. A boarding home is a home or institution providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents. Boarding homes are licensed by DSHS for the care of seven or more residents.

**Summary of Bill:** When an adult family home or boarding home receives notice from a local law enforcement agency that a person required to register will become a resident of the facility, the facility must provide notice to all current residents and the designated representative for the resident within ten days of receiving notice and provide notice to any potential new resident prior to the new resident's admission to the facility.

A facility that fails to provide notice as required is subject to statutory penalties including suspending or revoking the facility's license and the imposition of penalties of not more than \$100 per day per violation.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: We believe that sex offenders and other violent offenders do not belong in adult family homes. We have not been able to determine exactly how many sex offenders have been placed in long-term care facilities. We understand there is a need for placement of aging offenders who are released, but this is not the setting. Putting sex offenders in neighborhoods where there might be children is inappropriate. Caregivers may also have children that live in the home. Many caregivers are foreign born and do not have an understanding of what it means to have a sex offender in their facility. Facilities have received notices from their insurance company that rates will triple if the facility takes on a sex offender. The Chicago Tribune did a two-year study on the placement of sex offenders in nursing homes. Eighty-six rapes of vulnerable adults occurred in Illinois care facilities over the course of two and a half years; at least three incidents have occurred in Washington in the last few months. This issue needs to be addressed and we feel that the bill should go much further.

This is an important safety issue. As a housing provider who provides housing to sex offenders, I have watched sex offenders struggle with their addiction. Aging sex offenders who are dying will pursue their greatest desire because they do not have anything to lose.

Safety within the house is a good thing. Some of the residents in the house may be children and some are vulnerable adults. Beyond safety in the house, information and safety in the neighborhood is also important. In this case, the neighborhood was informed of the level III sex offender, but not that an adult family home is located in the neighborhood. I am concerned about a mixed population in an adult family home.

This bill should be tailored to those offenders who are actually a danger. If an offender has physical disabilities such that he or she is unable to reoffend, notice does not seem to serve anyone. We would welcome the opportunity to work on limiting the population that this applies to. There should be some mechanism to get an updated risk level for someone who does not have the ability to reoffend. Oregon has legislation that allows a home to specifically deny residency to a sex offender. It would be helpful to have a similar provision in Washington law.

**Persons Testifying:** PRO: Cindi Laws, WA State Residential Care Council; Jim Tharpe, Unity House; Dan Snyder, citizen; Deb Murphy, Aging Services Washington; Dave Knutson, Washington Health Care Association.