

SENATE BILL REPORT

SB 5428

As Reported by Senate Committee On:
Human Services & Corrections, February 17, 2011

Title: An act relating to notification to schools regarding the release of certain offenders.

Brief Description: Requiring notification to schools regarding the release of certain offenders.

Sponsors: Senators McAuliffe, Harper, Hargrove, Stevens, Zarelli, Pridemore, Shin and Roach.

Brief History:

Committee Activity: Human Services & Corrections: 2/04/11, 2/17/11 [DPS, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5428 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Carrell, Harper and McAuliffe.

Minority Report: That it be referred without recommendation.

Signed by Senator Baxter.

Staff: Shani Bauer (786-7468)

Background: A person who is required to register as a sex or kidnapping offender must give notice to the county sheriff within three days prior to arriving at a school or institution of higher education to attend classes, prior to starting work at an institution of higher education, and after any termination of enrollment or employment at a school or institution. The sheriff is in turn required to notify the school's principal or institution's department of public safety. If the student is a risk level II or III, the principal must provide information about the student to every teacher of the student and any other personnel who, in the judgment of the principal, supervises the student or for security purposes, should be aware of the student's record. If the student is a risk level I, information may only be released to personnel who, in the judgment of the principal, should be aware of the student's record.

When a juvenile who was adjudicated of a violent offense, a sex offense, or stalking will be released from the Juvenile Rehabilitation Administration (JRA), JRA must notify the chief of police, the sheriff, any private schools, and the school district board of directors in the

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vicinity in which the juvenile intends to reside. Notice must be provided at least 30 days prior to the juvenile's release.

Summary of Bill (Recommended Substitute): No later than 30 days prior to a youth's release, the Department of Corrections (DOC) must notify the school district board of directors of the district in which the offender last attended school when the youth (1) is 21 years of age or younger; (2) has been found to have committed a violent offense, sex offense, or stalking; and (3) last attended school in this state.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): The DOC must send notice to the school district of the last school attended by an offender who is 21 years of age or younger and releasing from confinement if the offender last attended school in the state of Washington.

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 on Original Bill: PRO: This legislation was initiated by the Office of the Superintendent of Public Instruction in response to an issue in the Vancouver School District. An individual was released from DOC and enrolled in school. The student was alleged to have engaged in serious misconduct against another student. Although the school's investigation concluded that the student did not act inappropriately, it was discovered that the student was a registered sex offender. The school would have made special accommodations for school safety if it had prior knowledge that the student was a registered sex offender. The juvenile system currently provides notice to schools when offenders are released. We would like to get the same notice from the adult system.

OTHER: DOC currently gives notice through the End of Sentence Review Committee for registered sex offenders, but this would not apply to violent offenders or those convicted of stalking. We are still looking at how DOC might best accomplish the purposes of this bill.

Persons Testifying: PRO: Kathryn Wells Murdock, Vancouver Public Schools; Kathleen Sande, Office of Superintendent of Public Instruction.

OTHER: Anmarie Aylward, DOC.