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## Public Safety Committee

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### HB 1020

**Brief Description:** Prohibiting level III sex offenders from residing in a community protection zone.

**Sponsors:** Representative Haler.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Expands the prohibition on sex offenders on community custody residing within a community protection zone to apply to all level III sex offenders.</li></ul>
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**Hearing Date:** 1/23/13

**Staff:** Sarah Koster (786-7303).

**Background:**

Courts are required to impose, as a term of community custody for certain sex offenders, a prohibition on those offenders residing within a community protection zone, which is defined as the area within 880 feet of the facilities or grounds of a public or private school.

The affected offenders are those who have been convicted of one "two strikes" offense in which the victim of the offense was under 18 years old. An offender convicted of more than one "two strikes" offense will be sentenced to life in prison without the possibility of parole.

"Two strikes" offenses include:

- rape in the first or second degree;
- rape of a child in the first or second degree;
- child molestation in the first degree;
- indecent liberties by forcible compulsion; and
- any of the following serious offenses with a finding of sexual motivation:
  - murder in the first or second degree;
  - homicide by abuse;

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- kidnapping in the first or second degree;
- assault in the first or second degree;
- assault of a child in the first or second degree;
- burglary in the first degree; and
- attempt of any of the above offenses.

The period of time an offender will be subject to this prohibition differs from offender to offender because the eligible offenders are all sentenced under a "determinate-plus" sentencing scheme, in which the court imposes a minimum and maximum term for the sentence. The Indeterminate Sentence Review Board (ISRB) determines when within that period each individual offender will be released. After release, an offender will remain on community custody until the statutory maximum for the offense has expired. The statutory maximum is life for class A felonies, 10 years for class B felonies, and five years for class C felonies. All of the "two strikes" offenses are class A felonies, with the exception of assault of a child in the second degree.

**Summary of Bill:**

All sex offenders who are on community custody for a "two strikes" offense in which the victim of the offense was under 18 years old and all sex offenders who are designated level III are prohibited from residing within a community protection zone while on community custody.

A level III offender is considered at highest risk to reoffend, while a level I offender is considered lowest risk. An offender's risk level is initially determined by the Department of Corrections' ISRB and subject to change by local law enforcement officers in the offender's county of residence.

Sex offenders other than those sentenced under a "determinate plus" scheme serve three years on community custody.

**Appropriation:** None.

**Fiscal Note:** Available.

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