
Public Safety Committee

HB 1125

Brief Description: Concerning registered sex offenders in adult family homes.

Sponsors: Representatives Hurst and Dahlquist.

Brief Summary of Bill

- Provides for notification to the Department of Social and Health Services (DSHS), adult family homes (AFHs) operators, and residents of the AFH before a registered sex offender is released from total confinement to the AFH.
- Requires specialized training for providers in AFHs in which registered sex offenders reside.
- Requires the DSHS to provide enhanced payments to the operator of an AFH in which sex offenders reside, to compensate for any extraordinary expenses, including increased liability insurance costs.

Hearing Date: 1/29/13

Staff: Sarah Koster (786-7303).

Background:

Sex Offender Registration: A person who is convicted of a sex or kidnapping offense must register with the sheriff in the person's county of residence. A "sex offense" is defined as:

- any felony defined as a sex offense in the Sentencing Reform Act, Sexual Misconduct with a Minor in the second degree, Communication with a Minor for Immoral Purposes, and a gross misdemeanor that is an attempt, solicitation, or conspiracy to commit a sex offense; and
- a federal or out-of-state conviction for an offense for which the person would be required to register in the state of conviction, or an offense that would be a sex offense under Washington law, unless a court in the state of conviction has made an individualized determination that the person should not be required to register.

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The sex offender must provide the following information at the time of registration: name, residential address, date and place of birth, employment, crime, date and place of conviction, aliases, Social Security number, photo, fingerprints, and if the person lacks a fixed residence, where he or she plans to stay. A person who lacks a fixed residence must also report to the sheriff on a weekly basis and keep an accurate account of where he or she stays during the week. The sheriff must forward registration information, including the offender's risk level and notice of address changes, to the Washington State Patrol (WSP) within five working days, and the WSP must maintain a central registry of sex and kidnapping offenders. The WSP must also forward necessary information to the Washington Association of Sheriffs and Police Chiefs (WASPC).

Notice to the Public: Public agencies may release information about sex and kidnapping offenders if the agency determines disclosure is relevant and necessary to protect the public and counteract the danger created by the offender. The sheriff with whom a level III offender is registered must publish a sex offender community notification in at least one newspaper with circulation in the area of the offender's residence or location. Twice yearly, the sheriff must also publish a current list of level III offenders. Local law enforcement must make a good faith effort to notify the public 14 days before a sex offender is released or as soon as possible after a sex offender moves. The WASPC must maintain a website of registered sex and kidnapping offenders, including all level II and III offenders, as well as level I offenders who are out of compliance. For level III offenders, the website must be searchable by type of conviction, county, city, zip code, last name, and address by block.

Adult Family Homes: Adult family homes (AFHs) are one of three types of residential long-term care settings licensed by the Department of Social and Health Services (DSHS), together with nursing homes and boarding homes. The AFHs are facilities licensed to care for up to six individuals who need long-term care. These AFHs provide: room, board, laundry, necessary supervision and assistance with activities of daily living, personal care, and nursing services. The AFHs are required to maintain a "home-like" nature and either the AFH provider or resident manager must live at the home.

Long-term care means care and support delivered to persons of any age disabled by chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care.

Summary of Bill:

Notification: This bill creates a notification system by which the agency with jurisdiction over a sex offender in total confinement must inform the DSHS at least three months before the person's anticipated release date of the person's name, offense history, and anticipated future residence.

The DSHS must then provide that information to all licensed AFHs operators. Before a registered sex offender is admitted to an AFH, the AFH operators must notify every resident and resident's representative, and when possible, an interested family member for each resident.

Training: House Bill 1125 requires that providers and resident managers of AFHs which serve residents who are registered sex offenders undergo specialized training. The training must

include, at a minimum, pathology, triggers, and response tactics. The providers and managers must pass a competency test after completing the specialized training.

Payments: The DSHS is required to adopt rules to provide for enhance payments to a provider for each resident in an AFH under its operation who is a registered sex offender and who is a Medicaid resident. The payments must be calculated to compensate the provider for extraordinary expenses related to the presence of a sex offender in the AFH including, but not limited to, increased liability insurance costs.

Appropriation: None.

Fiscal Note: Available.

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