

HOUSE BILL REPORT

SSB 6069

As Passed House:
March 5, 2014

Title: An act relating to community custody conditions for sex offenders.

Brief Description: Modifying community custody conditions for sex offenders.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Rivers, Darneille, King, Litzow, Fain, Becker, Kohl-Welles, Roach and Brown).

Brief History:

Committee Activity:

Public Safety: 2/19/14, 2/21/14 [DP].

Floor Activity:

Passed House: 3/5/14, 98-0.

Brief Summary of Substitute Bill

- Authorizes the Department of Corrections to require a sex offender to refrain from having contact with the victim of the crime or an immediate family member of the victim as a condition of the offender's community custody.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Moscoso, Pettigrew and Takko.

Staff: Yvonne Walker (786-7841).

Background:

Community custody is the portion of an offender's sentence served in the community subject to supervision by the Department of Corrections (DOC). When a court sentences a person to a term of community custody, the court must specify conditions of that supervision. Some of these conditions are mandatory, some apply unless they are waived by the court, and still other conditions are discretionary and are determined by the judge on a case-by-case basis.

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.

The court has discretion to order a condition requiring the offender to refrain from direct or indirect contact with the victim of the crime or a specified class of individuals. When an offender is placed on community custody with the DOC, the DOC has the authority to add conditions, so long as those conditions do not conflict with those ordered by the court.

Any person may request notice from the DOC when a specific sex offender will be released or transferred to community custody. The DOC must provide the requestor with notice of the offender's proposed residence and give the person an opportunity to provide information and comments on the potential safety risks to specific persons posed by the sex offender.

Summary of Bill:

The DOC may require a sex offender to refrain from having contact with the victim of the crime or an immediate family member of the victim. If a victim or an immediate family member of a victim has requested that the offender not contact him or her, the DOC must require the offender to refrain from contact with the requestor. If the victim is a minor, the parent or guardian of the victim may make a request on the victim's behalf.

At the time of providing notice of a sex offender's proposed residence, the DOC must also include a notice that a victim or immediate family members of a victim may request that the offender refrain from contacting him or her as a condition of the offender's community custody if the condition is not already provided by court order.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Two females were sexually victimized by their father. The victims were surprised when their father was released from prison without their knowledge and knocked on their door. A law is needed that prohibits offenders from victimizing victims further. The language of this bill fits very well with current statute relating to court orders that allow a court to also require such a condition.

(Opposed) None.

Persons Testifying: Senator Rivers, prime sponsor; and Travis Stearns, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: None.