

SENATE BILL REPORT

SB 5105

As of February 1, 2013

Title: An act relating to conditions under which the department of corrections provides rental vouchers to a registered sex offender.

Brief Description: Asserting conditions under which the department of corrections provides rental vouchers to a registered sex offender.

Sponsors: Senators Dammeier, Harper and Pearson.

Brief History:

Committee Activity: Human Services & Corrections: 1/31/13.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Shani Bauer (786-7468)

Background: Offenders committed to a correctional facility operated by the Department of Corrections (DOC) earn early release time for good behavior and good performance. The percentage of the sentence which can be earned varies depending on the circumstances of the offender's underlying offense and date of conviction. Offenders subject to community custody are under the supervision of DOC upon release.

Before an offender may be released early from confinement to community custody, DOC must approve the offender's release plan. The release plan includes the specific residence and living arrangements of the offender. DOC can deny the offender's release plan and release if it determines that the plan places the community or specific victims at risk, if it violates the terms of supervision, or if it places the offender at risk to reoffend or violate the conditions of supervision.

DOC can provide rental vouchers to the offender for a period of up to three months if the rental voucher will result in an approved release plan. The voucher must be provided in conjunction with additional transition support programming or services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, education programming, or employment programming.

Summary of Bill: The bill as referred to committee not considered.

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.

Summary of Bill (Proposed Substitute): Before DOC can provide rental vouchers to an offender, the following conditions must be met:

- notice, at least 30 days before issuing a rental voucher, to local governments in the location where offenders are to reside;
- the local government has issued a certificate of inspection for the dwelling;
- no more than eight beds in a dwelling can be used to house offenders;
- at least six of the eight beds must be reserved for offenders on active supervision with DOC; and
- each bedroom can only have three beds in it.

Rental vouchers issued for offenders residing in either King or Pierce counties must be at least \$550.

The provisions of the Landlord-Tenant Act do not apply to the removal of an offender who has been issued a rental voucher.

Nonprofit organizations who provide housing to offenders, in addition to other services, are not governed by this act.

In assigning cases to Community Corrections Officers (CCO), DOC must attempt to have offenders residing in the same dwelling assigned to the same CCO.

The local Law and Justice Councils must include as a member, a representative of the housing community providing offender housing. The Councils may address the housing of offenders and public safety.

Appropriation: None.

Fiscal Note: Requested on January 30, 2013.

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: This bill is not about keeping level III sex offenders from coming back into society; it's about keeping the voucher system from being abused by landlords who want to make a profit off of offenders. When offenders are placed in facilities without the proper oversight, then it decreases the ability of the offender to be successful. The entire Puyallup city council is concerned about someone wanting to make money by locating a transition house in a residential neighborhood near daycares and schools. With no support and no supervision, this population will be very vulnerable - these places should not be located where women are home alone or where children will play. This issue matters to a lot of people in the state. Because the vouchers are only good for three months, many offenders will cycle through the house over time. This bill is not about moving sex offenders out of the community, but rather it is about dispersing them throughout the community. Neighborhoods are being destroyed because landlords are renting to multiple offenders in the same house. There is no regulation controlling where these houses can be located and how many offenders can be residing there at one time. When these are

located in residential areas, it causes the property values in the neighborhood to drop. The eight bed limit is a good idea - it is cost effective. The bill is a good start but it still needs some work. There is concern about who can own these transitional living places - offenders should not be allowed to own them. The voucher program is working - DOC issues about 1500 vouchers per year. Currently there are 200 offenders being held past their release date. The program saves a lot of money. Research shows crime will rise in neighborhoods which house offenders. There is a need to understand the cultural competency of the offenders. Generally, the expansion to all offenders and not just sex offenders is liked.

CON: This bill would undermine the benefits of the current voucher system. Offenders need to be housed, waiving the Landlord Tenant Act will allow landlords to throw the offender out without due process and they will be without housing. This is not in the community's best interests. Community safety is assured through stable housing. This bill would impact stable housing - stable housing for offenders allows them a greater chance to fully reintegrate into society. Having sex offenders live together helps because they each keep an eye on the other. The original bill covered only sex offenders, this bill covers all offenders. The exception to the Landlord Tenant Act will leave the most vulnerable population without protection. There is no need to have this exemption because DOC has operated the program for several years and has not had issues in this regard. CCOs can also help in dealing with issues in a transition facility without having to remove an offender from stable housing.

Persons Testifying: PRO: Senator Dammeier, prime sponsor; Rick Hansen, Mayor of Puyallup; Julie Door, Bob Jimmerson, Steve Vermillion, City of Puyallup; Jon Nehring, Mayor of Marysville; Michelle Mork, City of Marysville; Candice Bock, Assn. of WA Cities; Simone Teal, Jim Tharpe, Unity House; Anmarie Aylward, DOC; Dan Liebman, David Stewart, Donovan Rivers, Earl Brock, citizens.

CON: Nick Federici, WA Low Income Housing Alliance; Greg Provenzano, Columbia Legal Services; Amy Muth, WA Assn. of Criminal Defense Lawyers, WA Defender's Assn.