

# SENATE BILL REPORT

## SB 6252

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As Reported by Senate Committee On:  
Human Services & Corrections, February 5, 2014

**Title:** An act relating to residence locations of felony sex offenders of minors.

**Brief Description:** Concerning residence locations of felony sex offenders of minors.

**Sponsors:** Senators Dammeier, Conway and O'Ban.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/03/14, 2/05/14 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6252 be substituted therefor, and the substitute bill do pass.

Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

**Staff:** Shani Bauer (786-7468)

**Background:** In certain limited circumstances, a sex offender who is on community custody is limited by statute from living within a certain proximity to certain persons or classes of individuals. For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the Department of Corrections (DOC) must reject a residence for the offender that includes a minor victim or child of similar age or circumstances as a previous victim who may be put at substantial risk of harm or is within a close proximity to the current residence of a minor victim.

DOC must also reject a residence located within a community protection zone if the offender was convicted after July 2005 of a first "two strikes" sex offense against a minor victim. A community protection zone is defined as within 880 feet of the facilities and grounds of a public or private school. Two strikes sex offenses are as follows:

Rape 1 and 2	Murder 1 and 2*
Rape of a child 1 and 2	Homicide by abuse*
Child molestation 1	Kidnapping 1 and 2*
Indecent liberties by	Assault/Assault of a

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*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.*

forcible compulsion	child 1 and 2*
Attempt to commit any of the above	Burglary 1*

\*If committed with sexual motivation

DOC is authorized, but not required, to reject a residence of an offender convicted of a felony sex offense against a minor victim who is on community custody if the proposed residence is within close proximity to a school, child care center, playground, or other grounds or facilities where children of similar age or circumstances as a previous victim are present and who would be put at substantial risk of harm.

Recently several cities and localities passed ordinances preventing two or more sex offenders from residing together in a residential area within city limits.

**Summary of Bill (Recommended Substitute):** The Sex Offender Policy Board (SOPB) must review policies relating to the release and housing of sex offenders in the community, including but not limited to the following:

- the process for identifying and approving housing providers for participation in the housing voucher program with DOC;
- guidelines and restrictions on the placement or residence of sex offenders depending on the offender's crime of conviction or risk level; and
- the impact of city and county ordinances.

The SOPB must invite participation from the Washington State Association of Counties and the Association of Washington Cities. The SOPB must make recommendations that balance the need to find housing for offenders, improve public safety, and the general public's need to feel safe in their communities, and must submit a report to the Governor and the Legislature no later than December 1, 2014.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute):** Provisions limiting the distance a sex offender on community custody can live to places where children congregate are removed. The SOPB must review and make recommendations regarding DOC's process for identifying housing providers for the housing voucher program, residence restrictions for sex offenders based on crime of conviction and risk level, and the impact of city and county ordinances.

**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 bill would prohibit the state from housing sex offenders near where children congregate. People already think there are laws like this in place. It makes no sense to house sex offenders near children. The point

will be made that we need to mainstream offenders back into the community, but the public and offenders will be safer if they are not housed near children.

CON: The number of sex offenses against strangers is actually quite limited. Most offenses are perpetrated by a family member or other people that they know. This bill increases the risk of reoffense by limiting the offender's ability to obtain housing. The inability to find housing results in homelessness. Homeless sex offenders must report weekly. Many of them do not do this because of the difficulty in reporting. This makes them harder to track for law enforcement. When an offender is forced into homelessness, access to treatment, services, and support are also reduced. These are risk factors for an offender's cycle. There is no evidence that these provisions increase public safety or reduce recidivism.

OTHER: DOC supports safe communities, but has strong concerns with this bill and the ability to successfully transition offenders to the community under these provisions. The bill limits the expertise of community custody officers around the state and their ability to identify individual risk. Washington has several components of a successful sex offender management strategy, including sex offender registration and notification, which is very effective. Further, residence restrictions do not apply once an offender is off of supervision but still required to register which increases confusion for the public.

**Persons Testifying:** PRO: Mark Lindquist, Pierce County Prosecuting Attorney.

CON: Ramona Brandes, WA Assn. of Criminal Defense Lawyers, WA Defenders Assn.

OTHER: Anmarie Aylward, DOC.