

SENATE BILL REPORT

EHB 2168

As Reported By Senate Committee On:
Human Services & Corrections, March 30, 2001

Title: An act relating to essential state community justice facilities.

Brief Description: Regulating siting of essential state community justice facilities.

Sponsors: By Representatives Conway (co-prime sponsor), Schoesler (co-prime sponsor), O'Brien, Ballasiotes, Darneille, Kirby and Hunt.

Brief History:

Committee Activity: Human Services & Corrections: 3/28/01, 3/30/01 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Fara Daun (786-7459)

Background: The state must site essential public facilities including criminal justice facilities and less restrictive alternative housing for persons civilly committed under Chapter 71.09 RCW. By their nature, these facilities are difficult to site. Some communities, however, are concerned that they may be siting a disproportionately high percentage of facilities that benefit the state as a whole.

Summary of Amended Bill: The Department of Social and Health Services (DSHS) and the Department of Corrections (DOC) must make reasonable efforts to achieve the equitable distribution of work release facilities and Juvenile Rehabilitation Administration (JRA) community facilities among the counties. DOC and DSHS must work with the counties through the normal county planning process to achieve equitable distribution of these facilities among the jurisdictions, communities and neighborhoods of a county.

In order to achieve equitable distribution in the distribution of work release and DOC and JRA community facilities, the departments must map their current and projected residential facilities and must track the number of specified types of offenders per thousand residents. The results must be reported annually. DOC must track adult offenders and JRA must track juvenile offenders. Offenders that must be tracked are sex offenders classified as level II or level III or registered as homeless, violent offenders on any form of department supervision, and offenders sentenced in the county.

The departments must give great weight to the rates of offenders and existing and proposed facilities in projecting additional facilities and in siting facilities. The relevant figures are the

figures in the most recent published report at the time the projection is made or a site is listed for consideration.

In siting facilities, there must be at least two public hearings in the finalist sites followed by an additional public hearing in the selected site. Hearings must be preceded by at least 14 days notice to newspapers, radio and television stations and to a broad range of interested government and community organizations, as well as business and development organizations. Written notice must be given to residents and property owners within one-half mile of the proposed site. The notice shall include notice of a written comment period to last for at least 30 days following the notice.

The departments must provide a written analysis of their selection of the final site including how the selection was consistent with the equitable distribution requirements.

The counties and cities must work with DSHS and DOC to plan for these facilities and for the equitable distribution of the facilities within the county. The planning must be done under the normal review process required by the Growth Management Act. Counties and cities must adopt or amend development regulations to comply with the comprehensive plan within 12 months of the adoption of the plan or of the date in the Growth Management Act if the plan does not need to be revised. Local governments may require the departments to obtain a special use or conditional use permit before siting a facility that does not conform to the plan or development regulations established under the bill.

Amended Bill Compared to Original Bill: Provisions related to less restrictive alternative facilities for persons committed under Chapter 71.09 RCW are stricken. The requirements for DOC are separated from the requirements for DSHS and the requirements are placed within the existing chapters related to siting the defined facilities. DOC and DSHS must give great weight to the equitable distribution requirement in projecting new facilities and in siting facilities. Counties must work with the department to achieve equitable distribution within the counties and among the jurisdictions, neighborhoods and communities. Where there is insufficient offender load or services in a single county to support a facility, but a facility is needed in that area for equitable distribution, the departments may use "catchment areas" including more than one county. The requirements for tracking adult and juvenile offenders are separated, and tracking of sex offenders is limited to level II, level III and those registered as homeless. Hearings on the finalist sites must happen 45 days in advance of a final decision, and there must be a 30 day comment period. The departments must provide a written analysis for the final selection including how the site meets the statutory requirements, including the equitable distribution requirement.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Facilities that benefit the whole state must be equitably distributed across the entire state and no one county or portion of a county should be the dumping ground for the DOC and DSHS facilities. Siting should be based on a fair share or proportional distribution, and no "stealth strategy" should be permitted. Recognizing the tension the state

is under to site facilities that no neighborhood wants, the state's priorities should be first community safety, then effectiveness of management and supervision, and only then look at the distribution as some places may be inappropriate. A strong point in the bill is that it does not include a new planning process.

Testimony Against: None.

Testified: Representative Steve Conway, co-sponsor; Representative Mark Schoesler, co-sponsor; Randy Lewis, City of Tacoma (pro); Suzanne Brown, Washington Coalition of Sexual Assault Programs (concerns); Jean Wessman, Washington Association of Counties and Association of Washington Cities (pro).