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**Criminal Justice & Corrections  
Committee**

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**HB 1334**

**Brief Description:** Changing provisions relating to registered sex and kidnapping offenders.

**Sponsors:** Representatives O'Brien, Pearson, Ericks, Holmquist and Simpson.

**Brief Summary of Bill**

- Requires those sex and kidnapping offenders moving into the state, to register within 14 days (instead of 30 days) of establishing residence.
- Requires sex and kidnapping offenders residing in a county other than their county of residence to notify the county sheriff where their employer is located.
- Ranks the unranked C felony offense of failing to register as a level IV class C felony offense.

**Hearing Date:** 2/3/05

**Staff:** Yvonne Walker (786-7841).

**Background:**

Sex & Kidnapping Offenders who are New Residents or Returning Residents. Sex and kidnapping offenders who move to Washington from another state or foreign country that are not under the jurisdiction of the Department of Corrections, the Indeterminate Sentencing Review Board, or the Department of Social and Health Services at the time of moving to Washington, must register within 30 days of establishing a residence. The duty to register applies to anyone who has been convicted of (1) a sex offense after February 28, 1990 or (2) a kidnapping offense after July 27, 1997.

Sex & Kidnapping Offenders that Work Elsewhere. A sex or kidnapping offender who is required to register in Washington but works in another state, is required to register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence or beginning to work in the new state. There are no registration provisions for instances when a sex or kidnapping offender, who is a resident of Washington, is employed in a different county than the county of his or her residence.

Sex & Kidnapping Offender Registration. Any adult or juvenile offender that has been found to have committed a sex or kidnapping offense, or who has been found not guilty by reason of insanity of committing any sex offense or kidnapping offense, must register as a sex offender or kidnapping offender in Washington. Such person must register with the county sheriff of the county of the person's residence, or if the person is not a resident of Washington then he or she must register in the county of the person's school, or place of employment or vocation. A person who knowingly fails to register or who moves within the state without notifying the county sheriff is guilty of an unranked class C felony.

The maximum penalty for an unranked crime is 12 months of imprisonment in jail. The sentence may also include community service, legal financial obligations, a term of community supervision and a fine.

**Summary of Bill:**

Sex & Kidnapping Offenders who are New Residents or Returning Residents. The time to register with the local sheriff's office for sex and kidnapping offenders who move to Washington is reduced. Any person that has been convicted of a sex or kidnapping offense and is not under the jurisdiction of the Department of Corrections, the Indeterminate Sentencing Review Board, or the Department of Social and Health Services at the time of moving to Washington, must register within 14 days (instead of 30 days) of establishing a residence, despite when he or she was convicted of their offense.

It is an affirmative defense to a charge that a person failed to register as a sex or kidnapping offender within the deadlines that the person: (1) established or reestablished his or her residence in the state prior to the effective date of the act; (2) was unaware of his or her duty to register; and (3) registered within 24 hours of receiving notice of his or her duty to register from a law enforcement official. The defendant must establish the defense by a preponderance of the evidence.

Sex & Kidnapping Offenders that Work Elsewhere. Any person who is required to register as a sex or kidnapping offender who is employed in a different county than the county of his or her employment must register with the county sheriff where his or her employer is located. The person must send a written notice to the county sheriff within 10 days of accepting employment or by the first day after commencing work, whichever is earlier. If the person's employment is terminated, he or she, within 10 days of the termination shall send written notice of the termination to the county sheriff for the county in which his or her employer was located.

Sex & Kidnapping offender registration. The crime of failing to register with the county sheriff is increased from an unranked class C felony to a seriousness level IV, class C felony. A first time offender with no previous history would receive a presumptive sentence of three to nine months in jail.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2005.