

HOUSE BILL REPORT

HB 2492

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to offender registration.

Brief Description: Imposing additional registration requirements on risk level III offenders.

Sponsors: Representatives Lovick, Strow, McDonald, Blake, Rodne, Conway, Haler, Ericks, B. Sullivan, Morrell, Green, Sells, Upthegrove and O'Brien; by request of Attorney General.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/17/06, 1/31/06 [DPS].

Brief Summary of Substitute Bill

- Expands the number of out-of-state sex and kidnapping offenders subject to the registration statute.
- Requires re-registration for level II and III sex offenders.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives O'Brien, Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Minority Report: Do not pass. Signed by 1 member: Representative Darneille, Vice Chair.

Staff: Jim Morishima (786-7191).

Background:

In 1990, the Legislature enacted the Community Protection Act, which, among other things, created a sex offender registry in Washington. A sex or kidnapping offender must register with the county sheriff in the county where he or she resides. The offender must also notify the sheriff when he or she enrolls in a public or private school or an institution of higher education. Law enforcement officials use the information in the registry to notify the public, within certain guidelines, of a sex offender's presence in the community.

I. Out-of-State Registrants

A sex or kidnapping offender who moves to Washington from another state, or who is a former Washington resident returning to the state, must register within 30 days of establishing a residence in Washington. This requirement applies only to sex offenders convicted of offenses committed on or after February 28, 1990, and kidnapping offenders convicted of offenses committed on or after July 27, 1997.

II. Re-Registration

Sex and kidnapping offenders who lack a fixed residence must check in with the county sheriff once a week. However, offenders who have a fixed residence are not required to check in on a regular basis.

Summary of Substitute Bill:

I. Out-of-State Registrants

All out-of-state registrants must register within 30 days regardless of when they committed their offenses.

II. Re-Registration

A level II or III offender with a fixed residence must check in with the county sheriff every 90 days. Failure to check in is a per se violation of the registration statute.

Substitute Bill Compared to Original Bill:

The substitute bill requires level II offenders to re-register every 90 days, just like level III offenders. The substitute bill removes provisions from the original bill that required person convicted of possession of depictions of a minor engaged in sexually explicit conduct to register. The substitute bill removes provisions in the original bill that imposed criminal liability on a person who wrongfully assists an unregistered sex offender.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Testimony For: This bill is an important first step. Re-registration will help us know where these people are and increase public safety. This bill appropriately places the burden to check in on the offender, not on law enforcement. The bill is based on input from prosecutors and law enforcement. It closes a loophole for out-of-state offenders.

Testimony Against: The new crime in this legislation is extremely broad. It applies if a person has "reason to believe" that an offender has not registered, which is a fairly low

standard. Under the new crime, a person would have the duty to notify law enforcement even if they were in fear or if they were members of the offender's family.

Persons Testifying: (In support) Representative Lovick, prime sponsor; Representative Strow; Don Pierce, Executive Director, Washington Association of Sheriffs and Police Chiefs; and Hunter Goodman and Todd Bowers, Office of the Attorney General.

(Opposed) Todd Maybrown, Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: None.