

# SENATE BILL REPORT

## SB 6405

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As of January 18, 2006

**Title:** An act relating to offender registration.

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

**Sponsors:** Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen, Shin, Benton and Oke; by request of Attorney General.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/19/06.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Kiki Keizer (786-7430)

**Background:** Mandatory Registration

In 1990, the legislature enacted the Community Protection Act, which created one of the first sex offender registration laws in the country. A person convicted of a sex or kidnapping offense must register with the county sheriff of the county in which he lives. The person subject to the registration requirements must provide such information as his or her name, address, date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases, Social Security number, photograph and fingerprints. He or she must also notify the county sheriff if he or she is enrolled in public or private school or in an institution of higher education.

A person with a fixed residence need not go to the county sheriff's office to check in or to re-register. However, registered persons who are not sexually violent predators must respond annually to a mailing to verify their address, and persons classified as sexually violent predators must do this every 90 days. Homeless offenders subject to registration requirements must check in with the county sheriff once a week.

A person who knowingly fails to register or to notify the sheriff, or who changes his or her name without notifying the sheriff or the Washington State Patrol, is guilty of the crime of failure to register.

If the crime requiring registration was a felony, failure to meet the registration requirements is a class C felony. The seriousness of this offense is not ranked for purposes of sentencing and may include up to 12 months in jail, a fine of up to \$10,000, or both. If the crime requiring registration was a misdemeanor or a gross misdemeanor, failure to register is a gross misdemeanor, punishable by up to 12 months in jail, a fine of \$5,000, or both.

The Constitutional Prohibition of Ex Post Facto Laws

Only future conduct may be prohibited by new criminal laws. Similarly, the punishment of future acts may be increased by a new law; the punishment of past conduct may not be increased retroactively. The Constitution prohibits the retrospective application of a criminal law to acts that occurred before that law's enactment.

Washington courts have determined that the state's registration law may be applied retrospectively because registration does not constitute criminal punishment.

#### Laws that Penalize Facilitating or Concealing the Crimes of Another

In Washington, a person may be charged as an accomplice to a crime if he or she, "with full knowledge that it will promote or facilitate the commission of a crime,. . . aids or agrees to aid such other person in planning or committing it." A person may be charged with rendering criminal assistance if he or she helps a person known to have committed an offense to avoid apprehension, with the intent to prevent or hinder apprehension or prosecution.

**Summary of Bill:** Persons who have committed registrable offenses before February 28, 1990 must register.

Persons with a fixed residence, who are required to register, and who have been assessed at a risk level of Level III, must report to the sheriff in his or her county every ninety days, during regular business hours, on a day specified by the sheriff's office. Failure to report constitutes failure to register.

Possession of depictions of minors engaged in sexually explicit conduct is listed as a sex offense for purposes of registration.

A new duty is created to notify law enforcement officers about another person's noncompliance with registration requirements and, if known, about such other person's whereabouts. A person is guilty of a class C felony if he or she has reason to believe that a former offender, who is subject to registration requirements, is not complying with the state's registration requirements, and if that person intends to help that former offender evade law enforcement officers.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.