

FINAL BILL REPORT

HB 2340

C 84 L 94
Synopsis as Enacted

Brief Description: Clarifying sex offender registration provisions.

By Representatives Long, Appelwick, Johanson, Padden, Karahalios, Brough, Talcott, Sheahan, Wood, Forner, Dyer, Chandler, Shin, Mielke and Springer.

House Committee on Corrections
Senate Committee on Law & Justice

Background: The Community Protection Act of 1990 requires all sex offenders residing in Washington to register with the sheriff in their county of residence. The law applies to adults and juveniles who "have been found to have committed or have been convicted of a sex offense." Sex offenders have 30 days to register following their release from confinement and 45 days to register after moving to Washington State. When relocating, offenders are required to update their registration within 10 days of their move.

The requirement to register was applied prospectively to all sex offenders released from custody or prison on or after the date the law became effective (February 28, 1990). In addition, it was applied retroactively to all persons who committed sex offenses prior to February 28 who were "in custody or under active supervision" of either the Department of Corrections or the Department of Social and Health Services on or after the law's effective date.

The term "active supervision" was not defined in the Community Protection Act and has been subject to various interpretations. Originally, the Department of Corrections interpreted the term to include offenders placed on Conditional Discharge From Supervision. The department has since redefined the term to exclude these offenders. The department also interpreted the term to include offenders on supervision in order for the department to monitor compliance with financial obligations. This interpretation has been found invalid by a Kitsap County court ruling.

Failure to register is a Class C felony for persons convicted of a Class A felony sex offense; otherwise, the failure is a gross misdemeanor. The registration requirement applies for life if convicted of a Class A

felony sex offense, 15 years if convicted of a Class B felony sex offense, and 10 years if convicted of a Class C felony sex offense, unless a court waiver can be obtained by the offender.

Summary: Clarification is made regarding the state agency responsible for defining "active supervision" of sex offenders. The Department of Corrections is given the responsibility for determining which individuals are under the Department of Corrections' "active supervision" for the purpose of requiring that the individual register as a sex offender.

Any change in supervision status of a sex offender as of July 28, 1991, does not relieve the offender of the duty to register or to re-register following a change in residence.

Votes on Final Passage:

House	94	0
Senate	43	0

Effective: June 9, 1994