

HOUSE BILL REPORT

HB 2540

As Reported By House Committee On:
Corrections

Title: An act relating to the release of information concerning sex offenders.

Brief Description: Releasing information concerning sex offenders.

Sponsors: Representatives Long, Appelwick, Morris, Johanson, Padden, Brough, Sheahan, B. Thomas, Dyer, Brumsickle, Kremen, Forner, Springer and Reams.

Brief History:

Reported by House Committee on:
Corrections, January 27, 1994, DPS.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; G. Cole; L. Johnson; Moak; Ogden and Padden.

Staff: Rick Neidhardt (786-7841).

Background: Public agencies are authorized to release sex offender information when necessary for public protection. At times, local law enforcement agencies have informed the public regarding the pending release of sex offenders. A concern exists that the public has not received this information in a timely fashion.

Local law enforcement agencies receive sex offender information from the Department of Corrections and the Department of Social and Health Services. The Department of Corrections is required to inform local law enforcement with regard to adult sex offenders being held in prison. The Department of Social and Health Services is required to inform local law enforcement with regard to juvenile sex offenders held by the Division of Juvenile Rehabilitation and with regard to adults committed for mental illness after either: (1) being acquitted of sex offenses by reason of

insanity; or (2) being found incompetent to stand trial for a sex offense.

Current law sets out differing deadlines under which notification must be given by the Department of Corrections or the Department of Social and Health Services. The amount of advance notice that must be given to local law enforcement varies depending on the type of release. Some deadlines are 48 hours, some are 10 days, and some are 30 days.

Summary of Substitute Bill: Under this bill, whenever a local law enforcement agency notifies the public of an impending release of a sex offender, the agency must make a good faith attempt to provide the notice at least 14 days prior to the release. The bill addresses only the timing of the public notification; it does not require the public to be notified in any particular case.

In order for this 14 days' advance notice to be feasible, the various deadlines under which the Department of Corrections and the Department of Social and Health Services must report a release to the local law enforcement officials are likewise altered. The bill converts to 30-day deadlines what were previously 48-hour deadlines or 10-day deadlines. The bill converts to 45-day deadlines what were previously 30-day deadlines. The deadlines do not apply to emergency furloughs.

If release plans change for any particular offender, the existence of the notification deadlines will not require the release to be delayed.

Substitute Bill Compared to Original Bill: The substitute bill places a lesser requirement on local law enforcement than did the original bill. The original bill required local law enforcement agencies to provide 14 days' notice when the agencies choose to notify the public. The substitute bill requires only that local law enforcement agencies make a good faith effort to provide this notice. The substitute bill also adds a section for legislative findings and intent.

Fiscal Note: Requested January 17, 1994.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill was passed.

Testimony For: The public needs earlier notification of pending releases of sex offenders. Fourteen days is a minimum amount of time for the community to prepare and for

parents to educate children. Extra time defuses tension, reduces panic, and lessens the chances of vigilantism.

Testimony Against: None.

Witnesses: Brian Levesque (pro); Darryl Fritz (pro); and Marty Butkovich, Division of Juvenile Rehabilitation (not opposed to bill, but expressed concern that some juveniles might have to be temporarily placed in a Division of Juvenile Rehabilitation facility instead of going directly to community placement).