

HOUSE BILL REPORT

HB 1214

As Reported By House Committee On:
Corrections

Title: An act relating to registration of sex offenders.

Brief Description: Revising provision for registration of sex offenders.

Sponsors: Representatives Mitchell, Carrell, Lambert, Sheahan, McMahan, Huff, Buck, Hickel, Padden, Elliot, Delvin, Kremen, Johnson, Casada, Thompson, Backlund, Honeyford, Mulliken, Boldt and Van Luven.

Brief History:

Committee Activity:

Corrections: 2/21/95, 2/24/95 [DPS].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Staff: Rick Neidhardt (786-7841).

Background: Sex offenders must register with their county sheriff within 24 hours of being released from confinement. The registration requirement clearly applies to offenders convicted of a sex offense in Washington's state courts.

Foreign convictions. A concern exists that sex offenders convicted in a foreign country are not currently required to register when they move to this state. The registration statute requires sex offenders to register when they move to Washington after being convicted of sex offenses in other states or in federal courts, but this same requirement is not extended to offenders who move to Washington after being convicted of a sex offense in a foreign country.

Offenders under federal supervision. Another concern exists about sex offenders who are convicted under federal statutes and then are released, within our state, under the

supervision of the United States Probation Service. The registration statute does not expressly require these sex offenders to register.

Offenders moving within the state. A registered sex offender who moves to a new address in the same county must notify the sheriff of the new address within 10 days of establishing the new residence. A registered sex offender who moves to a new address in another county must register with the sheriff in the new county within 10 days of establishing the new residence.

Prosecutors sometimes have difficulty proving that an offender has established a new residence. Proving a "residence" requires proving an intent to live there indefinitely.

Offenders moving out-of-state. When a registered sex offender moves out of the state, current law does not require the offender to disclose the new address to any law enforcement agency in this state.

Penalty for failing to register. The penalty for failing to register as a sex offender depends on the severity of the underlying sex offense. If the underlying sex offense is a class A felony, then the failure to register is a class C felony. The failure to register is a gross misdemeanor for all other sex offenses.

Summary of Substitute Bill:

Foreign convictions. An offender convicted in a foreign country of a sex offense who then moves to Washington is required to register in this state.

Offenders under federal supervision. Offenders under federal supervision on July 23, 1995 for a sex offense, are required to register within 10 days of that date.

Offenders moving within the state. The term "establishing a new residence" is changed to "moving." Accordingly, a registered sex offender who moves to a new county must re-register within 10 days of moving, and a registered sex offender who moves to a new address in the same county must notify the sheriff within 10 days of moving.

Offenders moving out-of-state. A registered sex offender who moves out of this state must disclose the new address to the sheriff of the county where the offender most recently registered.

Penalty for failing to register. The penalty for failing to register as a sex offender is made a class C felony, regardless of the severity of the underlying sex offense. The same penalty is created for offenders who move to a new address without notifying the sheriff.

Substitute Bill Compared to Original Bill: The original bill specifically addressed convictions in Canada rather than convictions in a foreign country. The original bill did not address the term "establishing a new residence." The substitute bill added the language making failure to notify the sheriff after moving a class C felony. In order to make some technical corrections, the substitute bill re-drafted the language addressing the registration of sex offenders under federal supervision.

Appropriation: None.

Fiscal Note: Requested on January 14, 1995.

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

Testimony For: Sex offenders who were convicted in Canada should be required to register when the move to Washington. Sex offenders under federal supervision should be required to register when they live in our state. Law enforcement agencies need to know when sex offenders move out of the state. The criminal justice system treats too lightly the offense of failing to register when that offense is only a gross misdemeanor. Prosecutors have difficulty proving when a person has established a new "residence;" they should only have to prove that a person has moved.

Testimony Against: None.

Testified: Robert Shilling, Washington State Council of Police Officers (pro); Tom McBride, Washington Association of Sheriffs and Police Chiefs, and Washington Association of Prosecuting Attorneys (pro, with proposed amendments); and Casey Johnson, King County Police Department (pro).