

HOUSE BILL REPORT

HB 1606

As Reported By House Committee On:

Corrections

Title: An act relating to registration of sex offenders.

Brief Description: Changing provisions relating to registration of sex offenders.

Sponsors: Representatives Conway, Ballasiotes, Quall, Dickerson, Hatfield, Kremen, Costa and Kessler.

Brief History:

Committee Activity:

Corrections: 2/17/95, 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 their release from confinement.

Scope of registration requirement.

Under current law, only individuals who have been convicted of a sex offense are required to register. Individuals who were found not guilty by reason of insanity of committing a sex offense are not required to register.

Verification of addresses.

A sex offender who is required to register must disclose the address where he or she is living. A concern has been raised that some sex offenders are not living at the addresses they have registered. The current registration law does not require any particular entity to verify that a sex offender is actually living at the registered address.

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.

Failure to register.

A sex offender who fails to register as required commits a crime. The crime is a Class C felony if the underlying sex offense was a Class A felony. For any other sex offense, the crime of failing to register is a gross misdemeanor.

Summary of Substitute Bill:

Scope of registration requirement.

The requirement to register as a sex offender is extended to people who were charged with committing a sex offense but were found not guilty by reason of insanity.

Any such person who is under the custody of the Department of Social and Health Services on or after July 23, 1995, must register within 24 hours of being released. The department must notify these individuals of the registration requirement.

The department must make reasonable attempts, within available resources, to notify people who were released prior to July 23, 1995, that they are required to register. Any person in this category who receives notice of the registration requirement must register within 24 hours of receiving notice.

The duration of the registration requirement depends, just as with sex offense convictions, on whether the charged sex offense was a Class A, B or C felony. A person must register for life for a Class A felony, 15 years for a Class B felony, 10 years for a Class C felony. Just as with sex offense convictions, the registration requirement can be earlier terminated by order of the court.

Verification of addresses. When a sex offender registers with the county sheriff, the sheriff's department must make reasonable attempts to verify the offender is living at the registered address. At a minimum, the department must send certified mail, with return receipt requested, to the registered address. If the receipt is returned without the offender's signature, the department must follow up by talking in person with the residents at the registered address. The department must make reasonable attempts to locate any sex offender not living at the registered address.

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.

Failure 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 an offender who moves to a new address without notifying the sheriff.

Substitute Bill Compared to Original Bill: The original bill did not extend registration requirements to those who were charged with committing a sex offense but then found not guilty by reason of insanity. The original bill did not replace the term "establishing a new residence" with "moving."

The substitute bill added the language making failure to notify the sheriff after moving a Class C felony. The substitute bill clarified what constitutes a reasonable attempt to verify a sex offender's registered address.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Registration procedures are not consistent from county to county. Some take steps to verify that sex offenders are living at the addresses they have registered, some do not. The counties are also inconsistent in how they approach the crime of failing to register. Failing to register is a serious offense, as it shows a denial of wrongdoing. Failing to register should be a felony for all sex offenses. Under current law, when an offender is convicted of a sex offense in another state, it must be determined whether the conviction is similar to a Class A sex offense in this state in order to determine if the failure to register is a felony.

Testimony Against: None.

Testified: Representative Steve Conway (pro); Helen Harlow, Tennis Shoe Brigade (pro); and Nelson Hunt, Washington Association of Prosecuting Attorneys (proposing amendment).