

# HOUSE BILL REPORT

## EHB 2507

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**As Passed House:**

February 6, 1996

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

**Brief Description:** Requiring a person convicted of sexual misconduct with a minor in the second degree to register as a sex offender.

**Sponsors:** Representatives D. Sommers, Koster, Robertson, Sterk, Honeyford, Hargrove, McMahan, Goldsmith, Stevens, Mulliken and Johnson.

**Brief History:**

**Committee Activity:**

Corrections: 1/26/96, 1/30/96 [DP].

**Floor Activity:**

Passed House: 2/6/96, 97-0.

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### HOUSE COMMITTEE ON CORRECTIONS

**Majority Report:** Do pass. Signed by 10 members: Representatives Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; Schoesler and D. Sommers.

**Staff:** Rick Neidhardt (786-7841).

**Background:** Background of Sex Offender Registration. A sex offender must register with the county sheriff within 24 hours of being released from confinement.

The registration statute's definition of "sex offense" includes all felony sex offenses (such as rape, molestation, and incest) covered under the Sentencing Reform Act.

Until last year, the registration requirement applied only to felony sex offenses. Last year, the Legislature passed two bills extending the requirement to particular gross misdemeanors. The gross misdemeanors are (1) attempts to commit a Class C felony sex offense, and (2) communication with a minor for immoral purposes.

Duration of Registration Requirement. Unless the period of registration is shortened by court order:

1. A person convicted of a Class A felony sex offense must be registered for life;
2. A person convicted of a Class B felony sex offense must be registered for 15 years following release from confinement; and
3. A person convicted of a Class C felony sex offense, or any gross misdemeanor sex offense that is subject to registration, must be registered for 10 years following release from confinement.

Sexual Misconduct with a Minor in the Second Degree. This offense is a gross misdemeanor and involves sexual contact with a 16-year-old or 17-year-old when the perpetrator is more than five years older than the victim, is in a significant relationship to the victim, and abuses a supervisory position in order to have the sexual contact. "Significant relationship" encompasses such positions as teacher, coach, counselor, or supervisor.

Failure to register. A failure to register as a sex offender, or a subsequent failure to notify the sheriff of a change in address, is itself a crime. The crime is a Class C felony if the underlying sex offense was a Class A felony; otherwise, the crime is a gross misdemeanor.

**Summary of Bill:** The sex offender registration requirements are extended to include the gross misdemeanor crime of sexual misconduct with a minor in the second degree. For this crime, the offender must remain registered for 10 years following release from confinement, unless a judge shortens this requirement.

Failure to register. A failure to register as a sex offender, or a failure to notify the sheriff of a change in address, is a Class C felony, regardless of the classification of the underlying sex offense.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill allows people convicted of second degree sexual misconduct with a minor to be tracked for 10 years. Registration is a deterrent. A person convicted of this crime would likely be a Level I sex offender for purposes of public notification.

**Testimony Against:** None.

**Testified:** Representative Duane Sommers, prime sponsor; Jerry Poindexter, Spokane Police Department (pro); and Jerry Keller, Spokane Police Department (pro).