

HOUSE BILL REPORT

HB 1172

As Amended by the Senate

Title: An act relating to sex offender registration.

Brief Description: Concerning the failure to register as a sex offender.

Sponsors: Representatives D. Sommers, Sterk, O'Brien, Koster, Thompson, Delvin, Sherstad, Schoesler, Hatfield and Conway.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/31/97, 2/5/97 [DP].

Floor Activity:

Passed House: 2/28/97, 96-0;

Passed House: 1/14/98, 95-0.

Senate Amended.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 11 members: Representatives Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Blalock; Delvin; Dickerson; Hickel; Mitchell; Robertson and Sullivan.

Staff: Yvonne Walker (786-7841).

Background: A sex offender must register with the county sheriff within 24 hours of being released from confinement. The offender must also notify the sheriff within 10 days of changing his or her residential address. Sex offenders who move to Washington from another state or a foreign country must register within 30 days of establishing residence.

The crime of failing to register or notify the county sheriff in a timely fashion is either a class C felony or a gross misdemeanor, depending on the seriousness of the offender's sex offense. The crime is a class C felony if the underlying sex offense was a class A felony, and is a gross misdemeanor for all other sex offenses.

Summary of Bill: The crime of failing to register as a sex offender or to notify the county sheriff in a timely fashion is made a class C felony in all cases, regardless of the seriousness of the underlying sex offense.

EFFECT OF SENATE AMENDMENT(S): The provision in the underlying bill that made the crime of failing to register as a sex offender or to notify the county sheriff in a timely fashion a class C felony in all cases, regardless of the seriousness of the underlying sex offense is deleted. This deletion will turn this particular provision of the law back to its original state whereby the crime of failing to register or notify the county sheriff in a timely fashion is either a class C felony or a gross misdemeanor, depending on the seriousness of the offender's sex offense. The crime is a class C felony if the underlying sex offense was a class A felony, and is a gross misdemeanor for all other sex offenses.

The following provisions were added:

Offenders who are Residents of other States. Persons who are residents of other states, but who are students, employed, or who carry on a vocation in Washington must register in Washington. "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit. "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

Offenders in Custody. At the time a sex or kidnapping offender is released from custody, the offender must register with an official designated by the agency (Department of Corrections, Department of Social and Health Services, a local division of youth services, or a local jail or juvenile detention facility) having jurisdiction over the offender. The associated agency must forward the registration information to the county of the offender's anticipated residence within three days.

All offenders who are required to register must provide a photograph and fingerprints during the registration process.

Offenders Changing Residence Address within the Same County . When a sex or kidnapping offender changes his or her residence, the offender must send written notice of the change of address to the county sheriff within seventy-two hours of moving instead of fourteen days prior as in currently in law.

Offenders Moving to a Different County or State. Upon receiving notification that an offender is moving to a new county, the county sheriff of the old county must promptly forward the change of address information to the sheriff of the new county. In addition, when an offender notifies the sheriff of a planned relocation out-of-state, the county sheriff must forward the change of address information to the new state's designated registration agency.

Name Change. Sex offenders subject to registration requirements are not permitted to change their names if doing so will interfere with legitimate law enforcement interests. Name changes due to changes in marital status, religious, and legitimate cultural reasons are not included in this restriction.

Any sex offender who applies to change his or her name must submit a copy of the application to the county sheriff and the State Patrol at least five days prior to the entry of a name change order and must submit a copy of the court's name change order within five days after the order.

Violation of this law is a class C felony if the crime for which the individual was convicted was a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this law is a gross misdemeanor.

Address Verification. Each year the county sheriff will attempt to verify the sex or kidnapping offender's registered address by mailing a verification form to the last registered address. Within ten days the offender must sign and return the form.

If the offender fails to return the verification form or the offender is not at the last registered address, the county sheriff shall promptly forward this information to the Washington State Patrol for inclusion in the central registry of sex offenders.

End of Duty to Register. A sex or kidnapping offender with a prior registration eligible offense is required to register for life. A sex or kidnapping offender could petition for relief from the registration requirement after spending 10 consecutive years in the community without a new offense however this provision does not apply to juveniles prosecuted as adults.

Central Registry. The county sheriff must forward all sex and kidnapping registration information, including change of address information, photographs, and fingerprints, to the Washington State Patrol within three days instead of the normal five days requirement.

Technical Amendment. The substitute bill merges conflicting double amendments involving public disclosure about sex offenders and kidnappers. This is a technical amendment that partially updates two RCW sections which were amended in 1997.

Developmentally Disabled Offenders. The agency with jurisdiction over a developmentally disabled sex or kidnapping offender must notify the Division of Developmental Disabilities within thirty days prior to the release of the offender. The jurisdictional agency and the division must assist the offender to register.

Juvenile Courts. A provision is added to require local juvenile courts to share information with local law enforcement agencies when a juvenile sex or kidnapping offender is allowed to remain in the community.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The mandate to require released sex offenders to register with their local sheriff is a public health and safety precaution. Due to the number of sex offenders that are released each year, this requirement aids law enforcement agencies in providing adequate supervision of all released sex offenders. It also helps in informing local police departments in surrounding counties and neighboring states when an offender may be moving into one of their local communities. This is particularly helpful when an offender convicted of a sex offense with a minor may be moving to a neighborhood located next to a school or park where small children may frequently visit.

There is some concern regarding released sex offenders who have developmental disabilities. Due to their physical or mental disabilities, these offenders may not realize the importance of registering with local law enforcement agencies every time a movement of residence occurs. It was noted, however, that these offenders are usually under some type of supervision and the guardian should be aware of the law.

Testimony Against: None.

Testified: Representative Duane Sommers (prime sponsor); Detective Dennis Walter, Spokane Police Department (pro); and Bill Sellars, The Arc of Washington State (pro).