

# HOUSE BILL REPORT

## HB 2764

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**As Reported By House Committee On:**  
Criminal Justice & Corrections  
Appropriations

**Title:** An act relating to registration of individuals who have committed sex or kidnapping offenses.

**Brief Description:** Conforming sexual predator registration to federal requirements.

**Sponsors:** Representatives Ballasiotes, Koster, Quall, Conway, Tokuda and Costa; by request of Attorney General.

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 2/3/98, 2/6/98 [DP];

Appropriations: 2/7/98 [DPS].

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

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

**Staff:** Yvonne Walker (786-7841).

**Background:** In 1994, Congress passed the Jacob Wetterling Act, 42 U.S.C. Section 14071. The act requires states to establish a registration system for persons convicted of certain crimes against minors and sexually violent offenses. States are required to comply with the Wetterling Act or face an automatic 10 percent reduction in federal Byrne Formula Grant funding.

*Offenders in Custody.* The offender must register within 24 hours of release with the county sheriff. The offender does not have to register with an official designated by the agency having jurisdiction over the offender.

*Offenders Who Are New Residents or Returning Washington Residents.* A sex or kidnapping offender who moves to Washington must register within 30 days of moving to the state.

*Offenders Moving to a Different County or State.* When a sex or kidnapping offender notifies the county sheriff that he or she is moving to a new county or state, the county sheriff of the old county is not required to notify or forward the change of address information to the sheriff of the new county or state.

*Sex offense.* The term "sex offense" includes a number of sexual offenses such as rape, sexual exploitation of a minor, dealing in depictions of a minor engaged in sexually explicit conduct, sending or bringing into the state depictions of minor engaged in sexually explicit conduct, communication with minor for immoral purposes, patronizing a juvenile prostitute, and sexual misconduct with a minor in the second degree. This is only a sample list of items that fall under the term of "sex offense."

*Address Verification.* When an offender registers with the county sheriff the county sheriff shall make reasonable attempts to verify that the offender is residing at the registered address. Reasonable attempts at verifying an address shall include at a minimum sending certified mail, with return receipt requested, to the sex offender at the registered address, and if the return receipt is not signed by the sex offender, talking in person with the residents living at the address. The sheriff shall make reasonable attempts to locate any sex offender who cannot be located at the registered address.

*End of Duty to Register.* A person convicted of a class A felony may petition the superior court to be relieved of the duty to register. For a sex offense or kidnapping offense committed when the offender was a juvenile the offender may petition the superior court to be relieved of that duty. For a person convicted of a class B felony, he or she may be relieved of the duty to register after 15 years after the last date of release from confinement. For a person convicted of a class C felony or an attempt, solicitation, or conspiracy to commit a class C felony, he or she may be relieved of the duty to register after 10 years after the last date of release from confinement.

*Central Registry.* The county sheriff must forward all information and fingerprints obtained from sex and kidnapping offenders to the Washington state patrol within five working days. The state patrol shall maintain a central registry of sex offenders and kidnapping offenders.

**Summary of Bill:** In order to comply with the Wetterling Act this bill requires:

*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.

*Offenders Who Are New Residents or Returning Washington Residents.* A sex or kidnapping offender who moves to Washington must register within 10 days, instead of 30 days, of moving to the state.

*Offenders Moving to a Different County or State.* When a sex or kidnapping offender notifies the county sheriff that he or she is moving to a new county, the county sheriff of the old county must forward the change of address information to the sheriff of the new county with ten days.

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.

*Sex offense.* The term "sex offense" is expanded to include the crime of possession of depictions of a minor engaged in sexually explicit conduct.

*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 10 days, the offender must sign and return the form, and appear at the sheriff's office to provide fingerprints and a photograph.

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.

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

**Appropriation:** None.

**Fiscal Note:** Requested on February 3, 1998.

**Effective Date:** This bill contains an emergency clause and takes effect immediately.

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

**Staff:** Dave Johnson (786-7154).

**Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Criminal Justice & Corrections:** A new section was added which makes the bill null and void unless specific funding is provided in the Omnibus Appropriations Act by June 30, 1998.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately. However, the bill is null and void unless funded in the budget.

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** None.