

**HOUSE BILL ANALYSIS
HB 2112**

Title: An act relating to public dissemination of information regarding persons convicted of a crime.

Brief Description: Requiring information about criminals to be posted on the internet.

Sponsors: Representatives Dunn and Koster

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Hearing Date: January 23, 1998.

Prepared By: Yvonne Walker, Research Analyst (786-7841).

Background: **Conviction.** "Conviction" means an adjudication of guilt pursuant to criminal procedure or juvenile court and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

Felonies. Punishments for classified felonies are as follows:

(a) Class A felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not less than twenty years, or by a fine in an amount fixed by the court of not more than fifty thousand dollars, or by both imprisonment and a fine;

(b) Class B felony, by imprisonment in a state correctional institution for a maximum term of not more than ten years, or by a fine in an amount fixed by the court of not more than twenty thousand dollars, or by both imprisonment and a fine;

(c) Class C felony, by imprisonment in a state correctional institution for a maximum term of not more than five years, or by a fine in an amount fixed by the court of not more than ten thousand dollars, or by both imprisonment and a fine.

Dissemination of information relating to persons convicted of a crime. No information regarding a convicted felon is posted on the internet. However the Community Protection Act of 1990 authorizes local law enforcement agencies to notify local communities regarding the release of sex offenders when it is necessary for public protection.

Notifications for Level I (low risk) sex offenders may include the release of information to appropriate law enforcement agencies and, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides.

Notifications for Level II (intermediate risk) sex offenders may include public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides.

Notifications for Level III (high risk) sex offenders are distributed to the same entities as listed for Level I and II as well as a dissemination of information to the general public (usually through the press).

Summary:

Conviction. "Conviction" is defined to mean any defendant who has been found guilty of a felony in any state or federal trial court. The conviction automatically triggers the Department of Corrections' requirement to post the sex offender's data onto the internet, regardless of whether an appeal may occur.

Felonies. "Felony" is defined to mean any offense that carries the possibility of incarceration for a term of one year or more.

Dissemination of information relating to persons convicted of a crime. The Department of Corrections must post data on the internet relating to any defendant found guilty of a felony in a trial court within thirty days of conviction, regardless of whether an appeal may occur. In instances where a defendant who has been found guilty of a felony in a federal trial court or a trial court within another state, the department shall post the information on the internet, regardless of whether an appeal may occur, within thirty days after the information has been received by the department from the other state or the federal government.

The information that must be posted on the internet must include the :

- (1) Defendant's name and any aliases used;
- (2) Defendant's address at the time of arrest and the current address;
- (3) Defendant's age, height, weight, and other descriptive data, such as a tattoo or other distinguishing marks;
- (4) Court before where the defendant was tried, and the name of the presiding judge;
- (5) Offense for which the defendant was convicted, and the sentence imposed on the defendant by the trial court;
- (6) Defendant's mug shots and a photograph taken at the time of sentencing if not incarcerated, or upon release if incarcerated;
- (7) Defendant's data stating whether he or she was incarcerated and for how long, the anticipated release date, the actual release date, and, if the complete sentence was served or if he or she was released early for any reason and what that reason was; and

(8) Defendant's previous felonies for which the he or she had been convicted and the disposition of each conviction.**Rules Authority:** No.

Fiscal Note: Available

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