

SENATE BILL REPORT

SB 6433

As Reported By Senate Committee On:
Human Services & Corrections, February 5, 1998
Ways & Means, February 10, 1998

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: Senators Long, Franklin, Zarelli, Winsley and Stevens; by request of Attorney General.

Brief History:

Committee Activity: Human Services & Corrections: 1/28/98, 2/5/98 [DPS-WM].
Ways & Means: 2/9/98, 2/10/98 [DP2S].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6433 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

Staff: Fara Daun (786-7459)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6433 be substituted therefor, and the second substitute bill do pass.

Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, B. Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Staff: Bryon Moore (786-7726)

Background: In 1994 Congress passed the Jacob Wetterling Act. The act requires states to establish a registration system for persons convicted of sexually violent offenses and certain crimes against minors that complies with the act and with the Department of Justice Guidelines (DOJ Guidelines) promulgated under the act. States that fail to comply with the Jacob Wetterling Act face a 10 percent reduction in federal Byrne Grant Funds.

Byrne Grant Funds are federal grant moneys for specific purposes. They are issued to the state and disbursed within Washington by the Department of Community, Trade, and

Economic Development. Currently, Washington would lose approximately \$1.1 million in Byrne Grants moneys each year.

Washington currently requires registration of persons convicted of sexually violent offenses and certain crimes against minors. Washington's statute, however, requires certain changes to come into compliance with the Jacob Wetterling Act.

The provisions of the Jacob Wetterling Act are threshold provisions and states are free to go beyond the minimum requirements stated in the act.

Summary of Second Substitute Bill: The current registration and notification statutes are amended.

An official of the court or agency with jurisdiction over an offender subject to registration requirements must register the offender prior to release from custody. This official forwards the offender's registration to the county sheriff in the county where the offender intends to reside within three days.

Registration prior to release does not relieve the offender of the duty to register with the county sheriff for the county of the offender's residence within 24 hours of release. This is to ensure that the offender goes to the county of intended residence, or if the offender's plans change, that the sheriff of the county in which the offender does decide to reside is notified.

Offenders who move to Washington or return to Washington must register within 10 days of establishing residence in Washington.

The sheriff of the county from which an offender has moved must promptly notify the sheriff of the county of an offender's new residence. If the offender is leaving Washington, the county sheriff of the county from which the offender is moving must notify the state offender registration in the offender's new state of residence within ten days.

The county sheriff must verify an offender's residence annually by sending a nonforwardable verification form to the offender at the offender's last known address. The offender then must appear at the county sheriff's office to return the form and provide a current photograph and copy of his or her fingerprints. The county sheriff must forward the verification information including photographs and any notice of change of address to the State Patrol within three days.

If an offender fails to return the form or is not at the last known address, the county sheriff must forward this information to the State Patrol promptly.

Except for offenders who were under 18 at the time of their offense, no offender may be relieved of the duty to register until the person has spent ten consecutive years in the community without being convicted of any new offense. Offenders under 18 who were prosecuted as adults are not eligible for this relief provision and may be relieved only under the relief provisions for adult offenders.

Possession of depictions of a minor engaged in sexually explicit conduct is a sex offense.

Local juvenile courts must share juvenile offender information with law enforcement.

Second Substitute Bill Compared to Substitute Bill: The emergency clause is removed.

Substitute Bill Compared to Original Bill: Juveniles convicted as adults must fulfill the adult registration requirements and are eligible for relief on the same basis as adult offenders. The substitute bill also restores language in the community notification statute that requires local juvenile courts to share juvenile sex offender information with law enforcement.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The provisions of this act are pursuant to the federal requirements expressed in the Wetterling Act and the Department of Justice Guidelines that implement that act and do not address provisions of the act not yet in effect.

The in-person annual verification procedures are not required by the federal act, which permits annual re-registration by mail. Mail-in registration provides no assurance that the required fingerprints and photographs are accurate, useable, or even of the offender.

Testimony Against: There are concerns about the fiscal impact. In-person annual verification contributes at least half of the cost. The WSP must make significant technological steps to accommodate photographic data and implement a new computer system early.

Testified: Senator Jeanine Long, prime sponsor (pro); Christine Gregoire, Washington State Attorney General (pro); John Samson, Attorney General's office (pro); John Broome, Washington State Patrol (responded to questions).