

HOUSE BILL REPORT

HB 1004

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

Title: An act relating to transient sex offenders.

Brief Description: Requiring transient sex offenders to report regularly to the county sheriff.

Sponsors: Representatives Ballasiotes, O'Brien, Benson, Radcliff, Mitchell, Quall, Dickerson, Cairnes, Morris, Hurst, Campbell, Koster, Bush, Mulliken, Kastama, Miloscia, Conway, Esser, Scott, McIntire, Kessler, Keiser, Mielke, Carrell, McDonald, Dunn, Kenney, Ogden, Schoesler, Rockefeller and Wood.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/19/99, 1/27/99 [DP];

Appropriations: 2/22/99, 3/3/99 [DPS].

Brief Summary of Substitute Bill

- Requires transient sex offenders classified as risk level I to report monthly, in person, to the sheriff's office.
- Requires transient sex offenders classified as risk level II or III to report weekly, in person, to the sheriff's office.
- Allows the sheriff to contract with other law enforcement agencies or jails to allow them to accept the reporting of transient sex offenders.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine and Kagi.

Staff: Yvonne Walker (786-7841).

Background:

In 1997, the Washington Legislature passed legislation requiring the Department of Corrections (DOC), the Juvenile Rehabilitation Administration (JRA), and the Indeterminate Sentence Review Board (ISRB) to classify all sex offenders released from their facilities into one of three risk levels: I (low risk), II (moderate risk), or III (high risk).

The administrators of these agencies (including county and municipal jails) must then notify the sheriff of the county and, where applicable, the police chief of the city where the offender intends to reside upon release. The notices must contain the identity, criminal history behavior, and risk level classification for each sex offender planning to reside in their district. The local law enforcement agencies may then use this information to notify local communities regarding the upcoming release of a sex offender when it is necessary for public protection.

Currently there are no state specifications on where a sex offender can live upon being released to the community. However, each year the county sheriff must attempt to verify the sex offender's registered address by mailing a verification form to the last registered address. The offender must sign the verification form, state on the form whether he or she still resides at the last registered address, and return the form to the county sheriff within 10 days after receipt of the form.

Over the years, indigent sex offenders register their address as "transient." Sex offenders who register as transient are not required to maintain contact with law enforcement. Verifying whether or not an offender is still in the community is impossible without a physical address.

A person convicted of a felony sex offense who knowingly fails to register or who moves without notifying the county sheriff is guilty of a class C felony.

Summary of Bill:

Sex offenders who are unable to provide a residential address and registers as "transient" are required to check in with the sheriff's office on a regular basis and must provide information as to where he or she is residing and has resided in the past.

- Level I Sex Offenders must report monthly, in person, to the sheriff's office.
- Level II Sex Offenders must report weekly, in person, to the sheriff's office.
- Level III Sex Offenders must report daily, in person, to the sheriff's office.

A sex offender registering as transient is indicating he or she will be residing in the county of registration but to no specific residential location. Those sex offenders classified as risk level II or III will be subject to community notification with the broadest dissemination possible.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on August 1, 1999.

Testimony For: Sex offenders have found a loop hole in the law by registering their address as "transient." Since many shelters will not accept offenders with a sex offense, many sex offenders registering as transient have been known to just live in parking lots, the woods, or just float from one place to another. By requiring transient sex offenders to report to the local sheriffs office on a regular basis this will force most of them to find a permanent address or possibly move completely out of state. Since these are transient sex offenders they have plenty of time to report in on a regular basis at the 24-hour manned sheriffs' departments. This bill will not burden sheriffs' departments with extra work since now the transient sex offenders will be required to come to them and the sheriffs will not have to send their own staff out into the field to track these offenders down on an everyday basis.

Testimony Against: None.

Testified: (In support) Joe Hawe, Clallam County Sheriff; Daryl Leischner, Thurston County Sheriff's Office; Michael Shaw, Washington State Association of Counties; and Gary Edwards, County Sheriff.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler;

Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Staff: Dave Johnson (786-7154).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Criminal Justice & Corrections: County sheriffs may contract with other law enforcement agencies, including jails, to accept the reporting of transient sex offenders. Level III offenders are required to report weekly rather than daily. It is clarified that a sex offender's being transient does not exempt him or her from the registration requirement.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on August 1, 1999.

Testimony For: (Original bill) This bill came from Thurston County where there were a number of level III transient sex offenders. The county did not know where the offenders were, and this was the county's solution. This is a way of keeping track. Level III offenders are predatory. These offenders often get forced out of neighborhoods, and many shelters will not accept them. This will help prevent them from reoffending and will help law enforcement find them when they do commit a crime.

Testimony Against: None.

Testified: (In support) Representative Ballisiotes, prime sponsor; and Representative O'Brien, sponsor.

(In support with amendment) Michael Shaw, Washington State Association of Counties.