

# FINAL BILL REPORT

## ESHB 1004

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Synopsis as Enacted

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

**Sponsors:** By House Committee on Criminal Justice & Corrections (Originally sponsored by 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).

**House Committee on Criminal Justice & Corrections**  
**House Committee on Appropriations**

### **Background:**

Sex offenders released from the Department of Corrections, the Juvenile Rehabilitation Administration, and the Indeterminate Sentence Review Board are classified into one of three risk levels: I (low risk), II (moderate risk), or III (high risk).

Although state law does not specify where a sex or kidnapping offender may live upon being released to the community, every adult and juvenile who has been adjudicated or convicted of a sex or kidnapping offense, or who has been found not guilty by reason of insanity of a sex or kidnapping offense, is required to register with the county sheriff for the county of the person's residence. When registering, he or she must provide the following information: name, address, date and place of birth, place of employment, crime for which convicted, date and place of conviction, aliases used, Social Security number, photograph, and fingerprints. If a person who is required to register changes his or her residence, the person must notify the county sheriff of the change of address. If the person moves to a new county, the person must, before moving, notify the sheriff in the new county, and the sheriff of the county with whom the person last registered. The person is also required to register with the sheriff of the new county within 24 hours of moving into the county.

Each year the county sheriff must attempt to verify the 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.

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

In May 1999, the Court of Appeals held in *State v. Pickett* that a homeless offender could not be convicted of failure to register because the registration statute does not provide a way of registering for individuals who have no permanent place of residence.

**Summary:**

A sex or kidnapping offender who is required to register but who does not have a fixed residence must report in person to the county sheriff and, instead of an address, provide information about where he or she plans to stay. Those sex and kidnapping offenders classified as risk level I must report monthly to the county sheriff. Risk level II and III sex and kidnapping offenders must report weekly.

A sex or kidnapping offender who ceases to have a fixed residence must also notify the sheriff of the county where he or she last registered within 14 days after ceasing to have a fixed residence and provide all of the otherwise required information except a photograph and fingerprints (unless the sheriff, for reasonable cause, requires the photograph and fingerprints). If the person intends to reside in another county, the sheriff must forward the information to the sheriff of the new county. An offender, who lacks a fixed residence, leaves the county in which he or she is registered, and enters and remains in a new county for 24 hours must, within those 24 hours, register with the new county sheriff and provide all of the required information.

The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

**Votes on Final Passage:**

First Special Session

House 96 0

Senate 47 0 (Senate amended)

House 94 0 (House concurred)

**Effective:** June 7, 1999