

# FINAL BILL REPORT

## EHB 2424

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Synopsis as Enacted

**Brief Description:** Changing provisions to comply with federal standards for monitoring sex offenders.

**Sponsors:** Representatives Ballasiotes and O'Brien; by request of Department of Community, Trade, and Economic Development and Department of Corrections.

**House Committee on Criminal Justice & Corrections**  
**Senate Committee on Human Services & Corrections**

### **Background:**

#### FEDERAL SEX OFFENDER REGISTRATION LAW.

In 1994 Congress passed the Jacob Wetterling Act, 42 U.S.C. Section 14071. The act contains a financial incentive to encourage states to adopt registration procedures for all persons convicted of sex offenses and kidnaping offenses where the victim is a minor. The act has been amended several times, imposing new requirements relating to sex offender registration. Those requirements include the following:

- requiring all offenders classified as sexually violent predators to register for life;
- requiring sex offenders who are convicted of a sex offense involving sexual intercourse with a victim through the use of force or threat or serious violence to register for life;
- requiring sex offenders who are convicted of a crime involving sexual intercourse with a minor under 12 years of age to register for life;
- requiring sex offenders who have one prior conviction for a sex offense in their criminal history and who are currently being convicted again for a new offense, to register for life;
- requiring county sheriffs to verify sexually violent predators' registered address every 90 days; and
- requiring sex offenders who work or attend school in another state to also register in that new state as well as their state of residence.

Any time the sex offender registration requirements are changed, the state patrol is required to notify registered sex offenders who are currently living in the community of the changes in the law.

States are required to comply with the amended act by November 2000 or face an automatic 10 percent reduction in federal Byrne Formula Grant funding. Washington receives approximately \$10 million in Byrne grants per year. Each year the Byrne grant received by Washington helps to provide funding to a number of various criminal justice programs throughout the state such as drug courts, narcotic task forces, and juvenile programs. A partial loss of funding, due to being out of compliance with the federal statute, could result in Washington losing \$1 million in funding this fiscal year.

## WASHINGTON SEX OFFENDER REGISTRATION LAW

End of Duty to Register. A sex offender who has been convicted of a class A felony, committed as a sexually violent predator, or a person who has one or more prior convictions for a sex offense, may petition the court to be relieved of the duty to register if the person has spent 10 consecutive years in the community without being convicted of any new offenses. The petition must be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions that took place outside of Washington, the petition must be made to the court in Thurston county.

Address Verification. Each year the chief law enforcement officer of a city or county must attempt to verify the sex offender's registered address by mailing a non-forwarding verification form to the last registered address. The offender must sign, verify his or her address, and return the form within 10 days.

If the offender fails to return the verification form or the offender is not at the last registered address, the chief law enforcement officer must promptly forward this information to the county sheriff and the Washington State Patrol for inclusion in the central registry of sex offenders.

Offenders Working or Attending School in Another State. Any person required to register as a sex offender in Washington, who also works or attends school in another state, is only required to register in his or her state of residence.

Notice for Registration Procedures. Local jails must give notice to the county sheriff and police chief any time a person convicted of a sex offense is discharged or released if that person will reside in a county other than the county of conviction.

### **Summary of Bill:**

The sex offender registration conditions and address verification requirements are enhanced for certain sex offenders.

End of Duty to Register. The court may not relieve a person of the duty to register if the person has:

- been determined to be a sexually violent predator; or
- been convicted of a sex offense or kidnapping offense that is a class A felony and that was committed with forcible compulsion.

After fifteen years, such an offender may petition the court to be exempted from any community notification requirements if he or she has lived in the community crime-free. The person will continue to register indefinitely but public notifications are not required.

Address Verification. The county sheriff must verify by mail the address of each sexually violent predator in his or her jurisdiction every ninety days.

Offenders Working or Attending School in Another State. A person required to register as a sex offender in Washington, who also works or attends school in another state, must register in both states (the state of residence as well as the state in which he or she is currently working or attending school). The offender must register his or her address, fingerprints, and a photograph with the new state within ten days of beginning school or employment in that state.

A person who moves to a new state must register a new address, fingerprints, and a photograph with the new state. The person must also send written notice to the county sheriff with whom the person last registered in Washington within ten days of moving to the new state or to a foreign country .

All registration materials submitted to the county sheriff must promptly be forwarded to the Washington State Patrol.

Any person who moves within the state without notifying the county sheriff is guilty of a class C felony.

Notice for Registration Procedures. Local jails must give notice to the county sheriff and police chief any time a person convicted of a kidnapping offense or a sex offense is discharged or released if that person will reside in a county other than the county of conviction.

**Votes on Final Passage:**

House	97	0	
Senate	44	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 8, 2000