

HOUSE BILL ANALYSIS

HB 2424

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

Sponsors: Representatives Ballasiotes and O'Brien.

Hearing: January 28, 2000

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

BACKGROUND:

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 kidnapping offenses where the victim is a minor. States are required to comply with the amended act by the mid-year of 2000 or face an automatic 10 percent reduction in federal Byrne Formula Grant funding.

Since the enactment of the Jacob Wetterling Act, congress has also passed the Pam Lychner Act and the Commerce, Justice, State, & Appropriations Act (CJSA) both which made several amendments to the original federal statute. Due to the federal amendments, Washington is now out of compliance with the federal statute and, as a result, needs to amend its statute in order to come into compliance with the new federal requirements. Those requirements include:

- Requiring an offender classified as a sexually violent predator to register indefinitely;
- Prohibiting the court from relieving a person from the duty of registering when he or she has been convicted of certain sex offenses involving children;
- Requiring county sheriffs to verify sexually violent predators' registered address every 90 days; and
- Informing sex offenders who choose to move, work, carry on a vocation, or attend school in another state to register their new address as well as their

fingerprints, and photograph with the new state and the Federal Bureau of Investigation upon establishing residence in the new state.

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

Washington receives approximately \$10 million in Byrne grants per year. A partial loss of funding could result in Washington losing \$1 million in funding this fiscal year.

End of Duty to Register. A sex offender who has been convicted of a class A felony or a person who has been convicted of one or more prior convictions for a sex offense may petition the court to be relieved of the duty if the person has spent ten 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 the Washington court system, the petition must be made to the court in Thurston county.

Address Verification. Each year the chief law enforcement officer 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.

Notice for Registration Procedures. The court is required to provide written notice to any defendant charged with a sex offense of the registration requirements if he or she is convicted and sentenced for the charge. Such notice must be included on any guilty plea forms and judgment and sentence forms.

For sex offenders being confined in a jail, the person having charge of the jail must notify the offender, in writing, of the registration requirements for convicted sex offenders at the time of the inmate's release from confinement. For offenders that are confined in a prison, the Department of Corrections must provide written notice to an inmate, convicted of a sex offense, regarding the registration requirements at the time of the inmate's release from confinement.

SUMMARY OF BILL:

End of Duty to Register. The court may not relieve any person of the duty to register if the person has been convicted of an offense involving sexual intercourse with a victim through the use of force or threat of serious violence, an offense involving sexual intercourse with a minor under 12 years of age, a sex offense and has one or more prior convictions for such an offense, or has ever been determined to be a sexually violent predator or the equivalent in another jurisdiction.

Address Verification. Each year the chief law enforcement officer must attempt to verify the registered address of every sex offender 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 .

For sex offenders, who are or were previously classified as a sexually violent predator or the equivalent of a sexually violent predator in another jurisdiction, each quarter the county sheriff shall verify the offender's address. The county sheriff must send by certified mail, with return receipt requested, a non-forwarding verification form to the offender at the offender's last registered address.

Notice for Registration Procedures. The court is required to provide written notice to any defendant charged with a sex offense of the registration requirements if he or she is convicted and sentenced for the charge. Such notice must be included on any guilty plea forms and judgment and sentence forms. In addition the court must inform any defendant charged with a sex offense or kidnapping offense that, if convicted, the defendant must register in any state in which the defendant will move, work, or attend school.

For sex offenders being confined in a jail, the person having charge of the jail must notify the offender, in writing, of the registration requirements for convicted sex offenders at the time of the inmate's release from confinement. For offenders that are confined in a prison, the Department of Corrections must provide written notice to an inmate convicted of a sex offense of the registration requirements at the time of the inmate's release from confinement. The registration notice given to all sex offenders being released from a local jail or the Department of Corrections must contain the penalties that an offender can be subject to if they move, work, or attend school in any other state without registering in that state.

FISCAL NOTE: Received on January 28, 2000.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.