

Juvenile Justice Committee

HB 1764

Brief Description: *Strengthening juvenile sex offender registration.*

Sponsors: *Representatives Ruderman, Ballasiotes, Dunshee, O'Brien, Barlean, Gombosky, Kessler and Tokuda.*

Brief Summary of Bill

- *Changes the circumstances under which a juvenile sex or kidnapping offender may be relieved of the duty to register.*

Hearing Date: *2/14/01*

Staff: *Jean Ann Quinn (786-7310).*

Background:

Adult and juvenile sex and kidnaping offenders must register within 24 hours after their release from confinement with the sheriff of the county where they reside, or if the person is not a Washington resident, the county of their school or employment. They also must register within specified time limits each time they move. Offenders must provide their name, address, date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases used, social security number, photograph, and fingerprints. Failure to register is a crime.

The seriousness of the offense determines the length of time the offender must continue to register. For class C felonies and gross misdemeanor sex offenses that are subject to registration, the duty to register ends 10 years after release from confinement if the offender hasn't been convicted of any new offenses during that time. For class B felonies, the duty to register ends 15 years after release from confinement if the offender hasn't been convicted of any new offenses during that time. An adult offender who committed a class A felony, or who has one or more prior sex or kidnaping offenses, may only be relieved of the duty to register by petitioning the court after ten years spent crime-free in the community. The court may not grant the petition if the class A felony was committed

by force on or after June 8, 2000, or if the offender has been determined to be a sexually violent predator.

A person who has the duty to register for an offense committed when the offender was a juvenile may petition the court to be relieved of that duty. The court must consider the nature of the offense committed, criminal and relevant noncriminal behavior, and other factors. The court may relieve the offender of the duty to register in the following circumstances:

- (1) If the offense was committed when the offender was 15 or older, only upon a showing by clear and convincing evidence that registration no longer meets the statutory purposes;*
- (2) If the offense was committed while the offender was under the age of 15, only if the offender was not adjudicated of any additional sex or kidnaping offenses in the two years since the original adjudication, and the offender proves by a preponderance of the evidence that registration no longer meets the statutory purposes.*

Summary of Bill:

The court may relieve an offender who is required to register as a result of an offense committed while the offender was a juvenile under the following circumstances:

- (1) If the offense was committed when the offender was 13 or older, only upon a showing by clear and convincing evidence that registration no longer meets the statutory purposes; or*
- (2) If the offense was committed while the offender was under the age of 13, only if the offender was not adjudicated of any additional sex or kidnaping offenses in the two years after completion of the offender's supervision by the DSHS and the offender proves by a preponderance of the evidence that registration no longer meets the statutory purposes.*

A juvenile offender who committed a class A sex or kidnaping offense, or a second or subsequent sex or kidnaping offense, may only be relieved of the duty to register if he or she can show by clear and convincing evidence that registration no longer meets the statutory purposes and he or she has spent ten years in the community without being convicted of any new offenses. The court may not grant the petition if the class A felony was committed with forcible compulsion on or after June 8, 2000.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

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