

***Criminal Justice & Corrections
Committee***

HB 1952

Brief Description: *Revising registration requirements for transient sex offenders and kidnaping offenders.*

Sponsors: *Representatives Ballasiotes and O'Brien.*

Brief Summary of Bill

- *Requires all transient sex offenders to report weekly to the county sheriff despite the offender's risk level classification.*
- *Requires sex offenders to report to the sheriff's department on a day specified by the sheriff's office and during normal business hours.*
- *Requires a transient sex offender to notify the sheriff of the county where he or she last registered within 24-hours after ceasing to have a fixed residence.*

Hearing Date: *2/21/01*

Staff: *Yvonne Walker (786-7841).*

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 offender may live upon being released to the community, every adult and juvenile who has been adjudicated or convicted of a sex offense, or who has been found not guilty by reason of insanity of a sex offense, is required to register with the county sheriff 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.

A sex offender who is required to register, but 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 offenders classified as risk level I must report monthly to the county sheriff. Risk level II and III sex offenders must report weekly.

A sex 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 a 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, lacking a fixed residence, who 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 an offender's risk level.

If a sex offender does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she last registered within 14 days after ceasing to have a fixed residence and has subsequently complied with the registration requirements.

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:

Any sex offender who is required to register but does not have a fixed residence must report weekly, in person, to the county sheriff despite the offender's risk level classification. The weekly report shall be on a day specified by the county sheriff's office and must occur during normal business hours. The county sheriff may require the person to list the locations where he or she has stayed during the last seven days.

Any sex offender who ceases to have a fixed residence must also notify the sheriff of the county where he or she last registered within 24-hours after ceasing to have a fixed residence.

If a sex offender does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she last registered within 24-hours after ceasing to have a fixed residence and has subsequently complied with the registration requirements.

The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large similar to offenders classified as a risk level III.

Appropriation: None.

Fiscal Note: Requested on February 18, 2001.

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