

SENATE BILL REPORT

HB 1952

As Reported By Senate Committee On:
Human Services & Corrections, March 30, 2001

Title: An act relating to registration of transient sex offenders and kidnapping offenders.

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

Sponsors: By Representatives Ballasiotes and O'Brien.

Brief History:

Committee Activity: Human Services & Corrections: 3/23/01, 3/30/01 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Fara Daun (786-7459)

Background: Persons convicted of sex offenses and qualified kidnapping offenses must register with the sheriff in their county of residence. In 1999, the Court of Appeals decided *State v. Pickett*, and held that homeless sex and kidnapping offenders had an affirmative defense to failure to register charges. The same month the Legislature passed changes to the sex and kidnapping offender registration law that specifically required homeless offenders to register.

Offenders who become homeless must notify the sheriff in the county where they last registered within 14 days of becoming homeless and provide the sheriff with registration information except that instead of an address— the offender must provide the location where he or she intends to stay. The offender does not have to provide a photo or fingerprints unless the sheriff requests them.

Homeless sex or kidnapping offenders must register within 24 hours of entering a county and must report regularly to the sheriff, notifying him or her where they intend to stay. Risk level I offenders must report monthly. Level II and III offenders must report weekly. Homelessness can be considered in determining an offender's risk level. Homeless offenders who comply with the statutory requirements have an affirmative defense against a charge of failure to register.

Summary of Amended Bill: Offenders who are required to register and who become homeless must notify the sheriff within 48 hours, excluding weekends and holidays, of becoming homeless. All homeless offenders who are required to register must report weekly to the sheriff during business hours on a day determined by the sheriff. Sex offenders who

register as homeless present unique risks to the community and localized notification is not feasible; consequently, they are subject to broad community notification.

Amended Bill Compared to Original Bill: The time that sex offenders who become homeless have to notify the sheriff of their status is amended from 24 hours to 48 hours, excluding weekends and holidays. Notification for sex offenders registered as homeless is separated from the provision on level III notification. It is clarified that the reason for broad notification is that localized notification is not possible and homeless or transient sex offenders present unique public safety risks.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill is needed because offenders are registering as homeless in order to avoid the community notification provisions of the law. Word has spread through the prison system that this is the means of escaping community notification, so offenders who have places to live are registering as homeless. In Seattle in 1999, the city averaged 15-20 persons registered as homeless and most had a verifiable address. Currently there are about 147 and approximately 70 percent are not locatable. KING 5 recently investigated several sex offenders registered as homeless and none were actually homeless. This is intended as an incentive to register properly. Homeless sex offenders do not have the same level of social checks and balances that those with a residence have and they present higher risks to the community.

Testimony Against: This will not effectively promote the goal of registration as it places an onerous burden on the offenders who can least bear it. Transportation to the sheriff's office is a problem and may conflict with at person's ability to hold a job. This puts a burden on offenders who become homeless through no fault of their own.

Testified: Representative Ida Ballasiotes, sponsor (pro); Detective Bob Schilling, Seattle Police Department (pro); Kathleen Swan, citizen (requesting amendments); Heather Lechner, Washington Defenders Association and Washington Association of Criminal Defense Lawyers (con); Suzanne Brown, Washington Coalition of Sexual Assault Programs (pro).