
**Juvenile Justice & Family Law
Committee**

HB 1237

Brief Description: Tracking school status of sex offenders.

Sponsors: Representatives Pearson, O'Brien, Sump, Miloscia, Kristiansen, Berkey, McDonald, Anderson, Sullivan, Delvin, Pflug, Bailey, Priest, Bush, Benson, Condotta, Campbell, McMahan, Haigh and Woods.

Brief Summary of Bill

- Requires registered sex offenders to notify the sheriff if he or she is planning to enroll at a public or private school, imposes a penalty for failure to notify the sheriff, and requires the sheriff to maintain a list of sex offenders attending each school in the county and provide the list to persons who request it.

Hearing Date: 2/25/03

Staff: Sonja Hallum (786-7092).

Background:

The Washington State Sex Offender Registration Law began in 1990. The law was later amended in 1997 to include kidnaping offenders in the registration program.

In Washington, a person is required to register as a sex offender if he or she has been convicted of a sex offense, a kidnaping offense, or has been found not guilty by reason of insanity of a sex offense or kidnaping offense.

The law in Washington defines a sex offense to include the following:

- (a) A felony that is a violation of the offenses listed in the chapter on sex offenses including rape, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and sexually violating human remains;
- (b) Incest;
- (c) A felony that is a violation of the chapter on sexual exploitation of a minor except the offense of possession of depictions of a minor engaged in sexually explicit conduct;
- (d) A felony or gross misdemeanor that is a criminal attempt, solicitation, or

- conspiracy to commit such crimes;
- (e) A felony with a finding that the felony was committed with a sexual motivation;
- (f) Comparable out-of-state convictions and convictions from prior to 1976;
- (g) Sexual misconduct with a minor in the second degree; and
- (h) Communication with a minor for immoral purposes.

If a person is convicted of a sex offense he or she must register as a sex offender with the county sheriff. The person must provide the following information:

- (a) Name;
- (b) Address;
- (c) Date and place of birth;
- (d) Place of employment;
- (e) Crime for which convicted;
- (f) Date and place of conviction;
- (e) Aliases used;
- (f) Social security number;
- (g) Photograph;
- (h) Fingerprints; and
- (i) If the person who lacks a fixed residence, where he or she plans to stay.

Failure to register as a sex offender is a crime. If the underlying offense for which the person is required to register is a felony sex offense, felony kidnaping, or comparable out-of-state felony, the failure to register constitutes a class C felony offense. A class C offense is punishable by up to 5 years confinement and a \$10,000 fine.

If the underlying offense for which the person is required to register is an offense other than one of the above, failure to register is a gross misdemeanor. A gross misdemeanor is punishable by up to one year in confinement and a \$5,000 fine.

Summary of Bill:

Notification Requirement:

A person who is required to register as sex offender must give specific information to the county sheriff. The bill includes in the information the sex offender must give to the county sheriff the name and address of the public or private school he or she is attending or planning to attend.

If the person who is required to register enrolls in a new school in the same county in which he or she is registered, graduates from high school, or ceases to attend school the person must send written notice of the change to the county sheriff within 72 hours.

If the person enrolls in a new school in a different county, the person must send written notice to the sheriff in the different county within 14 days of the enrollment. The person must also send notice to the sheriff in the county where the person was last registered within 10 days of enrollment. However, it is a defense to the charge of failing to register if the person does not know the location of the new school 14 days in advance, but only if the person sent the required notice within 24 hours of determining the new address.

Penalty:

The failure to notify the county sheriff of the change in enrollment is added to the list of violations included in the crime of failing to register as a sex offender. The punishment is the same as for other violations of the registration requirement. The degree of punishment is dependent upon whether it is a class C felony or a gross misdemeanor.

List Requirement:

The county sheriff is required to maintain a list of public and private schools which includes the names of the registered sex offenders in each school. The sheriff shall provide the list to persons who request it, but may not otherwise publish or disseminate the list.

Appropriation: None.

Fiscal Note: Requested on February 21, 2003.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.