

HOUSE BILL REPORT

SSB 6144

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to registration requirements on sex offenders coming from outside the state who establish or reestablish Washington residency.

Brief Description: Changing registration requirements for sex offenders coming from outside the state who establish or reestablish Washington residency.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Benton, Carrell, Regala, Benson and Pflug).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/17/06, 2/23/06 [DPA].

Brief Summary of Substitute Bill
(As Amended by House Committee)

- Expands the number of out-of-state sex and kidnapping offenders subject to the registration statute.
- Shortens the period within which out-of-state sex and kidnapping offenders must register.
- Requires the county sheriff to provide a notice to out-of-state offenders that they are subject to Washington laws if they commit new offenses in Washington.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Staff: Jim Morishima (786-7191).

Background:

In 1990, the Legislature enacted the Community Protection Act, which, among other things, created a sex offender registry in Washington. A sex or kidnapping offender must register with the county sheriff in the county where he or she resides. The offender must also notify

the sheriff when he or she enrolls in a public or private school or an institution of higher education. Law enforcement officials use the information in the registry to notify the public, within certain guidelines, of a sex offender's presence in the community.

A sex or kidnapping offender who moves to Washington from another state, or who is a former Washington resident returning to the state, must register within 30 days of establishing a residence in Washington. This requirement applies only to sex offenders convicted of offenses committed on or after February 28, 1990, and kidnapping offenders convicted of offenses committed on or after July 27, 1997.

Summary of Amended Bill:

All out-of-state registrants, regardless of when they committed their offenses, must register within three business days.

The county sheriff must provide an out-of-state registrant with a written notice that he or she is subject to Washington law for any new felonies he or she commits within the state. The offender must sign the notice. The county sheriff must retain the signed notice and provide a copy to the offender for his or her retention. The fact that an offender has, or has not, received a notice does not affect the ability of Washington or any other jurisdiction to prosecute the offender for any crimes committed in the state.

The notice must be at least 10 point type and must be in substantially the following form:

NOTICE:

AS A NEW OR RETURNING RESIDENT OF WASHINGTON STATE, YOU ARE SUBJECT TO WASHINGTON LAW FOR ANY NEW FELONY THAT YOU COMMIT WITHIN THE STATE. ANY PRIOR CONVICTIONS YOU HAVE FROM OTHER JURISDICTIONS MAY AFFECT THE MANNER IN WHICH YOU ARE SENTENCED IN WASHINGTON. FOR EXAMPLE, YOUR SENTENCE FOR A NEW FELONY COMMITTED IN WASHINGTON COULD BE LIFE WITHOUT THE POSSIBILITY OF PAROLE IF YOUR CRIMINAL HISTORY INCLUDES A CONVICTION FROM WASHINGTON OR ANY OTHER JURISDICTION THAT WOULD BE CONSIDERED A "STRIKE" UNDER WASHINGTON'S PERSISTENT OFFENDER LAW. A LIST OF STRIKE OFFENSES MAY BE FOUND IN THE DEFINITION OF "PERSISTENT OFFENDER" IN RCW 9.94A.030.

SIGNATURE:

Amended Bill Compared to Substitute Bill:

The amended bill requires the county sheriff to provide a notice to out-of-state offenders that they are subject to Washington laws if they commit new offenses in Washington.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect on September 1, 2006.

Testimony For: This bill closes a loophole that enables registered sex offenders to leave the state and come back without having to register upon their return. Thirty days is a long period of time for these offenders to be in our communities with no accountability. Shortening this period to three business days is a balanced approach at solving this problem.

Testimony Against: None.

Persons Testifying: Senator Stevens, prime sponsor; and David Coleman, Snohomish County Sheriff's Office.

Persons Signed In To Testify But Not Testifying: None.