

HOUSE BILL REPORT

SSB 6320

As Reported by House Committee On:

Criminal Justice & Corrections

Appropriations

Title: An act relating to a model policy for disclosure of sex offender information.

Brief Description: Revising the model policy for disclosure of sex offender information.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Brandland, Franklin, Doumit, Rasmussen, Carrell, Haugen, Pridemore, Kline, Stevens, Keiser, Berkey, Thibaudeau, Jacobsen, Pflug, Sheldon, Kohl-Welles, McAuliffe, Roach and Benton).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/17/06, 2/23/06 [DP];

Appropriations: 2/25/06, 2/27/06 [DP].

Brief Summary of Substitute Bill

- Requires the Washington Association of Sheriffs and Police Chiefs to convene a work group to develop a model policy on sex offenders.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. 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 created one of the first sex offender registration laws in the country. A person convicted of a sex or kidnapping offense must register with the county sheriff of the county in which he or she resides. An offender must provide a variety of information when registering including his or her name, address, date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases, Social Security number, photograph, and fingerprints. The offender must also notify the county sheriff if he or she is enrolled in a public or private school or in an

institution of higher education. Failure to meet the registration requirements is an unranked class C felony.

Law enforcement agencies are authorized to release information regarding registered sex offenders based on the offenders' risk level, which is initially assigned by the Department of Corrections' End of Sentence Review Committee and may subsequently be re-assigned by law enforcement. For example, for risk level I offenders (evaluated as the lowest level of risk within the larger community), a law enforcement agency may only disclose information about the offenders to specified persons and entities; e.g., schools, victims, witnesses. In contrast, for risk level III offenders (evaluated as the most risky to the community), a law enforcement agency may disclose information about the offenders to the public at large.

In 1997, the Legislature directed the Washington Association of Sheriffs and Police Chiefs (WASPC) to develop a model policy for law enforcement agencies to follow when disclosing sex offender information to the public. The model policy has not been significantly revised since its creation in 1997.

Summary of Bill:

When funded, the WASPC must convene a sex offender model policy work group to develop a model policy for law enforcement agencies and other criminal justice personnel. When convened, the work group must conduct community meetings around the state to assess the practices and needs of communities and identify best practices on sex offender registration, community notification, and strategies on sex offender management.

The model policy must contain recommendations on the following issues:

- procedures that local agencies may follow when making community notifications, including best practices relevant to the specific needs and characteristics of each community;
- the contents and form of community notification documents;
- methods of distributing community notification documents, including distribution to schools;
- methods of providing follow-up notifications to community residents;
- methods of providing information to other jurisdictions if necessary to protect the public;
- methods of educating community residents at public meetings;
- procedures and documents for local law enforcement agencies to provide appropriate notification when a sex offender risk level is re-classified;
- formulae and instructions on standard sex offender risk assessment instruments;
- strategies for sex offender management; and
- other matters deemed necessary by the WASPC.

When developing the policy, the WASPC must consult with the following groups: the Department of Corrections, the Department of Social and Health Services, the Indeterminate Sentence Review Board, the Washington State Council of Police Officers, local correctional agencies, the Washington Association of Prosecuting Attorneys, the Washington Public

Defender Association, the Washington Association of Criminal Defense Lawyers, the Washington Association for the Treatment of Sexual Abusers, victim advocates, the Office of the Superintendent of Public Instruction, the Association of Washington Cities, the Criminal Justice Training Commission, and the Washington Coalition of Sexual Assault Programs.

Once input from stakeholders has been received the work group must present a model policy to the WASPC for adoption or rejection. If the policy is adopted, the work group must conduct meetings around the state with law enforcement and other criminal justice personnel to review the model policy and conduct training. The work group will then be dissolved and the WASPC will take over the promotion of the model policy.

Appropriation: None.

Fiscal Note: Available on companion HB 2747.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: Community education is important. This bill makes sure that the community gets the information it needs and that law enforcement has training to distribute the information. This bill sets up a process where communities will be able to submit information to let law enforcement know the information they want. It also sets up a process for continued training and a way to track risk level departures.

Testimony Against: None.

Persons Testifying: Senator Regala, prime sponsor; James McMahan and Don Pierce, Washington Association of Sheriffs and Police Chiefs; and Todd Maybrow, Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 30 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Chandler, Clements, Cody, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Miloscia, Pearson, Priest, Schual-Berke, P. Sullivan, Talcott and Walsh.

Staff: Bernard Dean (786-7130).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Criminal Justice & Corrections:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available on companion HB 2747.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: The requested funding allows us to go out and hear from the communities about what they need to know regarding sex offenders who have been released. The money would help provide education, training, and outreach through our model policy to all parts of our communities. Funding would also support ways to monitor and track changes in classification from the sentence review committees, recommendation locally to identify possible disparities and correct them as needed. This request was fully funded in the Senate budget. The companion bill in the House passed the policy committee and passed the Appropriations Committee but did not pass the House floor.

Testimony Against: None.

Persons Testifying: Don Pierce, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.