

HOUSE BILL REPORT

HB 1334

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to registered sex and kidnapping offenders.

Brief Description: Changing provisions relating to registered sex and kidnapping offenders.

Sponsors: Representatives O'Brien, Pearson, Ericks, Holmquist and Simpson.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/3/05, 2/10/05 [DPS].

Brief Summary of Substitute Bill

- Requires those sex and kidnapping offenders moving into the state, to register within 10 days of establishing residence.
- Requires sex and kidnapping offenders residing in a county other than their county of residence to notify the county sheriff where their employer is located.
- Ranks the unranked class C felony offense of failing to register as a level IV class C felony offense.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Yvonne Walker (786-7841).

Background:

Sex & Kidnapping Offenders who are New Residents or Returning Residents. Sex and kidnapping offenders who move to Washington from another state or foreign country that are not under the jurisdiction of the Department of Corrections, the Indeterminate Sentencing Review Board, or the Department of Social and Health Services at the time of moving to Washington, must register within 30 days of establishing a residence. The duty to register

applies to anyone who has been convicted of: (1) a sex offense after February 28, 1990, or (2) a kidnapping offense after July 27, 1997.

Sex & Kidnapping Offenders that Work Elsewhere. A sex or kidnapping offender who is required to register in Washington but works in another state, is required to register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence or beginning to work in the new state. There are no registration provisions for instances when a sex or kidnapping offender, who is a resident of Washington, is employed in a different county than the county of his or her residence.

Sex & Kidnapping Offender Registration. Any adult or juvenile offender that has been found to have committed a sex or kidnapping offense, or who has been found not guilty by reason of insanity of committing any sex offense or kidnapping offense, must register as a sex offender or kidnapping offender in Washington. Such person must register with the county sheriff of the county of the person's residence, or if the person is not a resident of Washington then he or she must register in the county of the person's school, or place of employment or vocation. A person who knowingly fails to register or who moves within the state without notifying the county sheriff is guilty of an unranked class C felony.

The maximum penalty for an unranked crime is 12 months of imprisonment in jail. The sentence may also include community service, legal financial obligations, a term of community supervision and a fine.

Summary of Substitute Bill:

Sex & Kidnapping Offenders who are New Residents or Returning Residents. The time to register with the local sheriff's office for sex and kidnapping offenders who move to Washington is reduced. Any person that has been convicted of a sex or kidnapping offense and is not under the jurisdiction of the Department of Corrections, the Indeterminate Sentencing Review Board, or the Department of Social and Health Services at the time of moving to Washington, must register within 14 days (instead of 30 days) of establishing a residence, despite when he or she was convicted of their offense.

It is an affirmative defense to a charge that a person failed to register as a sex or kidnapping offender within the deadlines that the person: (1) established or reestablished his or her residence in the state prior to the effective date of the act; (2) was unaware of his or her duty to register; and (3) registered within 24 hours of receiving notice of his or her duty to register from a law enforcement official. The defendant must establish the defense by a preponderance of the evidence.

Sex & Kidnapping Offenders that Work Elsewhere. Any person required to register as a sex or kidnapping offender, who is employed in a different county than the county of his or her employment, must register with the county sheriff where his or her employer is located. The person must send a written notice to the county sheriff within 10 days of accepting employment or by the first day after commencing work, whichever is earlier. If the person's

employment is terminated, he or she must within 10 days of the termination, send a written notice of the termination to the county sheriff for the county in which his or her employer was located.

Sex & Kidnapping offender registration. The crime of failing to register with the county sheriff is increased from an unranked class C felony to a more serious level IV, class C felony. A first time offender with no previous history would receive a presumptive sentence of three to nine months in jail.

Substitute Bill Compared to Original Bill:

The substitute bill requires sex and kidnapping offenders moving into Washington to register with the local law enforcement agency within 10 days (instead of 14 days as proposed in the original bill) of establishing residency in the state.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect on July 1, 2005.

Testimony For: The elements of this bill is a result of a sex offender conference that took place last summer.

There have been incidents in the past where high risk sex offenders have moved to Washington from California and they have been given 30 days to register. The requirement for a sex offender to register within 30 days of entering this state is deemed to be too long. As a result, this bill will shorten that time-period and will require the offender to register within two weeks instead.

The second part of this bill references those sex offenders who live in one county but work in another. This bill would require the offender to register in both places.

The bill also gets rid of the references to conviction dates. Law enforcement officers would like those provisions repealed because it is often hard to determine when a person has been convicted. There is also an extreme problem with sex offenders that like to "state shop" to see what states require them to register. There are many sex offenders who move to Washington because they know that if you were convicted prior to 1990, you do not have to register. Other states do not require juvenile sex offenders to register. As a result, many of the juvenile sex offenders from Washington move to other states to avoid registration.

The last part of the bill ranks the crime of failure to register. There are offenders that have been convicted over six times but they still refuse to register with their local police departments. The most time that they will ever serve is 12 months for the crime of failing to register because it is an unranked felony. The fix in this bill will require them to spend more time incarcerated and getting the necessary treatment that they need.

The whole purpose of the Community Protection Act is to protect. That is what this bill is designed to do. Every element of this bill is a positive one.

Testimony Against: None.

Persons Testifying: Representative O'Brien, prime sponsor; Daryl Leischner, Thurston County Sheriff's Office; and Detective Brad Borden, Lewis County Sheriff's Office.

Persons Signed In To Testify But Not Testifying: None.