

# FINAL BILL REPORT

## HB 2101

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Synopsis as Enacted

**Brief Description:** Changing provisions relating to registration of sex and kidnapping offenders who are students.

**Sponsors:** By Representatives Pearson, Lovick, McDonald and Chase.

**House Committee on Juvenile Justice & Family Law**  
**Senate Committee on Human Services & Corrections**

**Background:**

The Washington State Sex Offender Registration Law began in 1990. The law was later amended in 1997 to include kidnapping 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 kidnapping offense, or has been found not guilty by reason of insanity of a sex offense or kidnapping offense.

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

- a felony that is a violation of the offenses listed in the chapter pertaining to sex offenses including rape, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and sexually violating human remains;
- incest;
- a felony that is a violation of the chapter pertaining to sexual exploitation of a minor except the offense of possession of depictions of a minor engaged in sexually explicit conduct;
- a felony or gross misdemeanor that is a criminal attempt, solicitation, or conspiracy to commit such crimes;
- a felony with a finding that the felony was committed with a sexual motivation;
- comparable out-of-state convictions and convictions from prior to 1976;
- sexual misconduct with a minor in the second degree; and
- 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 to the sheriff:

- name;
- address;
- date and place of birth;
- place of employment;
- crime for which convicted;
- date and place of conviction;

- aliases used;
- social security number;
- photograph;
- fingerprints;
- if the person lacks a fixed residence, where he or she plans to stay; and
- the name of the institution of higher education if the person is enrolled or employed at that institution of higher education.

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 kidnapping, or comparable out-of-state felony, the failure to register constitutes a class C felony offense. The offense is an unranked class C offense and is punishable by up to 12 months confinement and a \$10,000 fine.

If the underlying offense for which the person is required to register is an offense other than a felony sex offense, felony kidnapping, or comparable out-of-state felony, 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:**

A person who is required to register as a sex offender must notify the county sheriff if he or she is attending or planning to attend a public or private school, including a state school for the blind, deaf or sensory handicapped. The sheriff is then required to promptly notify the school of the person's intent to attend the school.

The school principal who receives notice of a student who is registered as a level II or III sex offender who is attending, or planning to attend, the school is required to further disclose the information to all teachers of the student, and those who the principal determines supervise the student or need to know for security purposes. If the student is a level I sex offender the principal may only disclose the information to personnel who need to know for security purposes.

Any information received by the principal or school personnel is confidential and may not be further disseminated except as provided by law.

A liability limitation is created for law enforcement which states that there is no additional liability imposed upon a peace officer, including the county sheriff or law enforcement agency, for failing to release information required under the sex offender registration statute.

The Safety Center for the Office of the Superintendent of Public Instruction is required to review the training that would be required to implement the bill and is required to report to the Legislature by January 1, 2006.

**Votes on Final Passage:**

House	97	0	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** September 1, 2006