

SENATE BILL REPORT

HB 2101

As Reported By Senate Committee On:
Human Services & Corrections, March 31, 2005

Title: An act relating to registration of sex offenders and kidnapping offenders in schools, notification to the school, and dissemination of the information within the school.

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

Sponsors: Representatives Pearson, Lovick, McDonald and Chase.

Brief History: Passed House: 3/08/05, 97-0.

Committee Activity: Human Services & Corrections: 3/17/05, 3/31/05 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Fara Daun (786-7459)

Background: Under current law, sex offenders who enroll in public or private institutions of higher education must notify the sheriff in the county within ten days of enrolling or leaving the institution of higher education and the sheriff notifies the institution of higher education's public safety department.

Summary of Amended Bill: When a person who is required to register as a sex offender enrolls in any public or private common school including the school for the deaf and the school for the blind, the offender must notify the sheriff of the county of his or her residence of his or her intent to enroll in the school at the earlier of within ten days of enrolling or prior to arriving to attend classes. The sheriff must promptly notify the school principal.

If the student is a Level 1 sex offender, the principal must notify only those persons on the staff who, in the judgment of the principal, need to be aware of the student's record for security purposes. If the student is a Level 2 or Level 3 sex offender, the principal must notify all of the student's teachers and any other person who, in the judgment of the principal, supervises the student or needs to be aware of the student's record for security purposes.

Any information received by the principal under this section is confidential and may not be further disseminated except as provided in state or federal law.

The safety center of the Office of the Superintendent of Public Instruction must make recommendations to the Legislature about the training that will be necessary for principals, teachers, supervisors, and school staff by January 1, 2006.

Amended Bill Compared to Original Bill: Clarifies that the school for the deaf and the school for the blind are included, delays the effective date till September 1, 2006, and requires OSPI's safety center to make recommendations about the training that will be needed for principals, teachers, supervisors, and school staff.

Appropriation: None.

Fiscal Note: Requested on February 18, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: September 1, 2006.

Testimony For: This is a response to a situation where a student was assaulted by another student who was a Level 2 sex offender. The school district knew about his criminal history but didn't pass the information on to the school. The bill addresses only this one concern. Notification of the school is a good idea.

Testimony Against: None.

Other: There are implications for what happens after the school is notified, especially regarding training. The work group from 5903 continues to meet on this and other issues around youthful offenders and it will have recommendations about how schools should address this kind of information and how to train to address staff questions and handle liability concerns. The purpose is both to protect other students and to help the offender not to reoffend. There are federal confidentiality issues around FERPA. There will be a fiscal note but it will remain indeterminate until the 5903 group comes back with training recommendations.

Who Testified: PRO: Representative Kirk Pearson, prime sponsor. OTHER: Greg Williamson, Office of the Superintendent of Public Instruction; Joe Pope, Don Rash, Association of Washington School Principals.