

SENATE BILL REPORT

SB 6319

As Reported By Senate Committee On:
Human Services & Corrections, February 1, 2006
Ways & Means, February 7, 2006

Title: An act relating to the registration of sex offenders.

Brief Description: Changing provisions for sex offender registration.

Sponsors: Senators Regala, Brandland, Stevens, Kline, Weinstein, Doumit, Carrell, Keiser, Rockefeller, Berkey, Haugen, Fairley, Spanel, Pflug, Sheldon, Rasmussen, McAuliffe, Shin, Roach and Benton.

Brief History:

Committee Activity: Human Services & Corrections: 1/19/06, 2/1/06 [DPS-WM].
Ways & Means: 2/6/06, 2/7/06 [DP2S].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6319 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

Staff: Kiki Keizer (786-7430)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6319 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Fairley, Parlette, Pflug, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

Staff: Elaine Deschamps (786-7441)

Background: Mandatory Registration

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 lives. The person subject to the registration requirements must provide such information as 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. He or she must also notify the county sheriff if he or she is enrolled in public or private school or in an institution of higher education.

A person subject to the registration requirements, who is either a new Washington resident, or who is a former Washington resident whose crime of conviction was in Washington, must register within 30 days of establishing residence in Washington.

A person who knowingly fails to register or to notify the sheriff, or who changes his or her name without notifying the sheriff or the Washington State Patrol, is guilty of the crime of failure to register.

If the crime requiring registration was a felony, failure to meet the registration requirements is a class C felony. The seriousness of this offense is unranked for purposes of sentencing and may include up to 12 months in jail, a fine of up to \$10,000, or both. If the crime requiring registration was a misdemeanor or a gross misdemeanor, failure to register is a gross misdemeanor, punishable by up to 12 months in jail, a fine of \$5,000, or both.

Luring

A person commits the crime of luring if the person: (1) Orders, lures, or attempts to lure a minor or a person with a developmental disability into any area or structure that is obscured from or inaccessible to the public or into a motor vehicle; (2) Does not have the consent of the minor's parent or guardian or of the guardian of the person with a developmental disability; and (3) Is unknown to the child or developmentally disabled person.

Laws that Penalize Facilitating or Concealing the Crimes of Another

In Washington, a person may be charged as an accomplice to a crime if he or she "with full knowledge that it will promote or facilitate the commission of a crime, . . . aids or agrees to aid such other person in planning or committing it." A person may be charged with rendering criminal assistance if he or she helps a person known to have committed an offense to avoid apprehension, with the intent to prevent or hinder apprehension or prosecution.

Summary of Second Substitute Bill: The bill defines the crime of failure to register as non-compliance with any of the requirements of the registration statute, eliminating existing language that defines the crime as failure to register with the county sheriff or changing one's name without notifying law enforcement. It requires the court to impose a term of community custody for failure to register. For sentencing purposes, the crime of failure to register is changed from an unranked felony to a seriousness level II for second and subsequent offenses.

Second Substitute Bill Compared to Substitute Bill: A provision is added that makes Section 3, which raises Failure to Register to a Level II on the sentencing grid for second and subsequent offenses, contingent upon funding being included in the state budget.

Adds another provision that makes Section 4, which requires the court to order a term of community custody for the crime of Failure to Register, contingent upon funding being included in the budget.

Makes a technical correction that updates the statute on community custody to reflect the requirement of community custody for offenders who fail to register.

Substitute Bill Compared to Original Bill: The substitute bill clarifies the definition of the crime of failure to register. It adds a provision that requires the court to impose a term of community custody for failure to register. Other provisions related to aiding an offender in

failing to register, luring, and requirements for offenders from out-of-state are eliminated. The title is amended.

Appropriation: None.

Fiscal Note: Requested for substitute.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed, except for Section 1 of the bill, which expires September 1, 2006, and Section 2 of the bill, which takes effect September 1, 2006.

Testimony For (Human Services & Corrections): The penalties for failure to register should reflect that it is a serious offense and needs to be taken seriously. Under the current statute, a person who fails to register can't be sent to prison no matter how many prior failure to register convictions he or she has. "Ranking" the seriousness level of this offense puts the offense on the sentencing grid. For sex offenses, the criminal history score on the grid triples with each re-offense; for this reason, the seriousness level for the first offense can be set at a low level.

Testimony Against (Human Services & Corrections): Luring should not be classified as a sex offense unless it is committed with sexual motivation.

Who Testified (Human Services & Corrections): PRO: Tom McBride, Washington Association of Prosecuting Attorneys.

CON: Amy Muth, Washington Defender Association.

Testimony For (Ways & Means): None.

Testimony Against (Ways & Means): None.

Who Testified (Ways & Means): No one.