

FINAL BILL REPORT

SHB 2534

C 265 L 10
Synopsis as Enacted

Brief Description: Establishing a program to verify the address of registered sex offenders and kidnapping offenders.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Hurst, Pearson, O'Brien, Chase, Kelley, Conway, Van De Wege, Sells, Ericks, Morrell, Kirby, Campbell, Haigh and Smith).

House Committee on Public Safety & Emergency Preparedness
House Committee on General Government Appropriations
Senate Committee on Human Services & Corrections

Background:

Sex and Kidnapping Offender Registration and Reporting Requirements.

A sex or kidnapping offender must register with the county sheriff of the county in which he or she resides. Level II and III sex offenders who have a fixed residence must report to the county sheriff every 90 days. An offender who lacks a fixed residence must report weekly to the county sheriff. The sheriff may require the person to provide a list of the locations where he or she stayed over the last seven days.

A person who knowingly fails to comply with the registration requirements is guilty of a Failure to Register. In *State v. Flowers*, the Washington Court of Appeals found that because the statute authorizes the sheriff to require an offender without a fixed residence to provide a list of locations where he or she stayed but does not itself require a list, an offender may not be convicted of Failure to Register if he or she fails to provide an accurate list to the sheriff.

Verification of a Registered Sex or Kidnapping Offender's Address.

The chief law enforcement officer of a jurisdiction must make reasonable attempts to verify the address of registered offenders in the jurisdiction. "Reasonable attempts" are defined to include: (1) for registered sex and kidnapping offenders, an annual mailing of an address verification form; and (2) for sexually violent predators, a mailing every 90 days of an address verification form. The offender must sign and return the form to the chief law enforcement officer of the jurisdiction within 10 days of receipt.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary:

Verification of a Registered Sex or Kidnapping Offender's Address.

When funded, the Washington Association of Sheriffs and Police Chiefs (WASPC) must administer a grant program for sex and kidnapping offender address verification by local governments. The WASPC must:

- enter into performance-based agreements with local governments so that offenders' addresses are verified every 12 months for level I and unclassified offenders, every six months for level II offenders, and every three months for level III offenders;
- collect performance data; and
- submit an annual report to the Governor and the Legislature.

Unclassified offenders and kidnapping offenders are considered at risk level I, unless the local jurisdiction believes a higher classification level is in the interest of public safety.

"Reasonable attempts" to verify an offender's address include participation in the WASPC grant program. If a sheriff, police chief, or town marshal does not participate in the WASPC grant program, the chief law enforcement officer of the jurisdiction must send an annual address verification form to offenders in the county and must send an address verification form every 90 days to sexually violent predators.

County sheriffs and police chiefs or town marshals may enter into agreements to fulfill these address verification obligations.

Offender Reporting Requirements.

Level II and III sex offenders with a fixed residence are no longer required to report to the county sheriff every 90 days.

An offender who lacks a fixed residence must keep an accurate accounting of where he or she stayed during the week and provide it to the sheriff upon request.

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

Effective: June 10, 2010