

HOUSE BILL REPORT

SHB 2534

As Amended by the Senate

Title: An act relating to establishing a program to verify the address of registered sex offenders and kidnapping offenders.

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).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/12/10, 1/13/10 [DPS];

General Government Appropriations: 2/4/10 [DPS(PSEP)].

Floor Activity:

Passed House: 2/11/10, 97-0.

Passed Senate: 3/3/10, 46-0.

Brief Summary of Substitute Bill

- Establishes a grant program administered by the Washington Association of Sheriffs and Police Chiefs for sex offender address verification by county sheriffs.
- Assigns responsibility for sex offender address verification to county sheriffs.
- Removes the 90-day reporting requirement for level II and III sex offenders.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

Staff: Alexa Silver (786-7190).

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.

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: The substitute bill by Committee on Public Safety & Emergency Preparedness be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake, Crouse, Dunshee, Hudgins, Kenney, Klippert, Pedersen, Sells, Short, Van De Wege and Williams.

Staff: Alex MacBain (786-7288).

Background:

A sex or kidnapping offender must register with the county sheriff of the county in which he or she resides. The offender must provide his or her name, residential address, date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases, Social Security number, photograph, and fingerprints.

If an offender's address changes within the county, the offender must send signed written notice of the change to the sheriff within 72 hours of moving. If an offender moves to a different county, he or she must send signed written notice to the sheriff of the new county of residence 14 days before moving and must send signed written notice to the sheriff of the county of the previous residence within 10 days of moving.

Verification of a Registered Sex Offender's Address.

The chief law enforcement officer of a jurisdiction must make reasonable attempts to verify the address of registered sex offenders in the jurisdiction. In unincorporated areas, the sheriff is responsible for address verification. In cities and towns, the police chief or town marshal is responsible for address verification.

"Reasonable attempts" are defined to include: (a) for registered sex offenders, an annual mailing of an address verification form; and (b) 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.

If an offender fails to return the address verification form or cannot be located, the chief law enforcement officer must make reasonable attempts to locate the offender. The law enforcement officer must forward this information to the sheriff and the Washington State Patrol for inclusion in the central sex offender registry.

Registered Sex Offender Reporting Requirement.

Level II and III sex offenders who have a fixed residence must report to the county sheriff every 90 days. If the offender complies with the 90-day reporting requirement for five years, he or she may petition the superior court to be relieved of the reporting requirement. The court may grant the petition if the offender has complied with the requirement for five years, the offender has not been convicted of a sex offender registration violation for five years, and the court determines the reporting does not serve a public safety purpose.

Summary of Substitute Bill:

Verification of a Registered Sex Offender's Address.

When funded, the Washington Association of Sheriffs and Police Chiefs (WASPC) shall administer a grant program for sex offender address verification by sheriffs. 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 are considered at risk level I, unless the local jurisdiction believes a higher classification level is in the interest of public safety.

The county sheriff with whom a sex offender has registered, rather than the chief law enforcement officer of the jurisdiction, is responsible for making reasonable attempts to verify the offender's address. "Reasonable attempts" include participation in the WASPC grant program. If a sheriff does not participate in the WASPC grant program, the sheriff 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.

In addition, the county sheriff receives address verification forms, makes reasonable attempts to locate offenders who fail to return their address verification forms or who cannot be located, and forwards information regarding offenders who are not at their last registered address to the Washington State Patrol.

The county sheriff may enter into an agreement with police chiefs or town marshals to fulfill these address verification obligations.

Notification of Change of Address.

When a sex offender moves within the county or to a new county, he or she must either send the signed written notice by certified mail, return receipt requested, or deliver the signed written notice in person to the sheriff's office.

Registered Sex Offender Reporting Requirement.

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

EFFECT OF SENATE AMENDMENT(S):

The amended bill requires the WASPC to administer the grant program for sex offender address verification with local governments and assigns responsibility for address verification to the chief law enforcement officer of the jurisdiction. The amended bill removes the requirement that a change of address form be sent via certified mail, return

receipt requested, or be delivered in person. The amended bill adds a requirement that an offender without a fixed residence keep an accurate accounting of where he or she has stayed during the week and provide it to the sheriff upon request.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Public Safety & Emergency Preparedness):

(In support) This bill was generated from an abduction and homicide case involving a level I offender. There is a need for a workable program to confirm offenders' locations because communities are safer when they know where sex offenders live. The funded address verification program is more effective and efficient than the inoperable 90-day check-in requirement. This bill will make it more likely that certain offenders will comply with the requirements.

(With concerns on original bill) There is a cost concern with this bill, but technical changes are underway so there will be no burden on King County.

Staff Summary of Public Testimony (General Government Appropriations):

(In support) The bill codifies an effective sex offender address verification grant program that is currently being run by the Washington Association of Sheriffs and Police Chiefs.

(Opposed) None.

Persons Testifying (Public Safety & Emergency Preparedness): (In support) Representative Hurst, prime sponsor; Jo Arlow, Washington Association of Sheriffs and Police Chiefs; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; and Dan Kimball, Thurston County Sheriff.

(With concerns on original bill) Tom McBride, Kitsap County.

Persons Testifying (General Government Appropriations): Jo Arlow, Washington Association of Sheriffs & Police Chiefs.

Persons Signed In To Testify But Not Testifying (Public Safety & Emergency Preparedness): None.

Persons Signed In To Testify But Not Testifying (General Government Appropriations): None.