
Judiciary Committee

HB 1612

Title: An act relating to firearm offenders.

Brief Description: Concerning information on firearm offenders.

Sponsors: Representatives Hope, Pedersen, Hayes, Buys, Dahlquist, Hargrove, O'Ban, Holy, Goodman, Fagan, Smith, Magendanz, Orcutt, Klippert, Kretz, Warnick, Roberts, Moscoso, Ryu and Bergquist.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires the Washington State Patrol to maintain a central registry of firearm offenders and creates registration requirements.

Hearing Date: 2/13/13

Staff: Omeara Harrington (786-7136).

Background:

The Washington State Patrol (WSP) is the state's central repository for criminal history data, and maintains the Criminal History Record Information (CHRI) database. The CHRI consists of fingerprint-based records and disposition information submitted by law enforcement agencies and courts throughout the state. Criminal justice agencies may request and receive unrestricted CHRI from the WSP for criminal justice purposes. The public may also request and receive CHRI for non-criminal justice purposes, limited to conviction information only, and information regarding registered sex or kidnapping offenders.

Washington's sex and kidnapping offender registry has been in existence since 1990. A person who has been convicted of a sex or kidnapping offense must register with the county sheriff in the county in which he or she resides. The sheriff must forward registration information, including the offender's risk level and notice of address changes, to the WSP.

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.

When an offender registers, he or she must provide a variety of information including his or her name, date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases used, Social Security number, photograph, fingerprints, and residential address, or, if the person lacks a fixed address, the person must disclose where they plan to stay. A person who lacks a fixed residence must also report to the sheriff on a weekly basis and keep an accurate account of where he or she stays during the week.

The duration of the duty to register depends on the classification of the offense. For the most serious offenses, the duty continues indefinitely. Other offenses require registration for either 15 or 10 years with out a disqualifying offense. A person may request that the sheriff investigate whether the duty to register has ended. If the sheriff finds that the person has been in the community the requisite period of time with no disqualifying offense, the sheriff will request that the WSP remove the person from the registry.

An offender who knowingly fails to register or notify the county sheriff, or who changes his or her name without notifying the county sheriff or the WSP, is guilty of a crime. The penalty for failure to register depends on the underlying offense, and will either constitute a class C felony or a gross misdemeanor.

Summary of Bill:

The WSP is required to maintain a central registry of firearm offenders. Firearm offenders are persons who have been convicted or found not guilty by reason of insanity in this state of various felony firearm offenses listed in the act or of unlawful possession of a loaded rifle or shotgun in a vehicle, or unlawful use of a loaded firearm. The registry is only for law enforcement purposes and is not subject to public disclosure.

Upon conviction or finding of not guilty by reason of insanity of a firearm offense, the court must consider whether to impose a requirement that the person register. In exercising its discretion, the court must consider relevant factors including the person's criminal history, whether the person has been previously found not guilty by reason of insanity in any state, and any evidence of the person's propensity for violence that would likely endanger others.

A person required to register must do so in person with the county sheriff no later than 48 hours after release from custody or the date the court imposes the firearm offender's sentence, if the offender receives a sentence that does not include confinement. The offender must register yearly, no later than 20 days after each anniversary of the first registration. The duty to register continues for four years. Upon expiration of the person's duty to register the WSP must automatically remove the person's name and information from the registry.

A variety of information must be provided when registering, including: name and aliases, residential address, identifying information including a physical description, the offense for which the person was convicted, date and place of conviction, and the names of any other county where the offender has registered as a firearm offender. The county sheriff may require verifying documentation of the required information and may take the person's photograph or fingerprints for inclusion in the registry.

If the registrant changes his or her residential address within the state, they must update their address information in person within 48 hours of moving. If the person lacks a fixed address, they must disclose where they plan to stay.

A person who has a duty to register and knowingly fails to comply with any of the registration requirements is guilty of a gross misdemeanor.

Appropriation: None.

Fiscal Note: Requested on February 4, 2013.

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