

HOUSE BILL REPORT

HB 2487

As Reported by House Committee On:
Public Safety

Title: An act relating to increasing the public disclosure of registered sex offenders.

Brief Description: Increasing the public disclosure of registered sex offenders.

Sponsors: Representatives Dye, Orwall, McCabe, Jenkin, Klippert, Stambaugh, Holy, Kraft, Muri and Johnson.

Brief History:

Committee Activity:

Public Safety: 1/29/18, 1/30/18 [DP].

Brief Summary of Bill

- Authorizes public agencies to disclose relevant, necessary, and accurate information regarding registered sex or kidnapping offenders with a risk level I classification to schools, child care providers, and other specified entities and individuals.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 10 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

Minority Report: Do not pass. Signed by 1 member: Representative Appleton.

Staff: Kelly Leonard (786-7147).

Background:

Registration of Sex and Kidnapping Offenders. Any adult or juvenile who is residing, is a student, or is employed in Washington who has been found to have committed or has been convicted of a sex or kidnapping offense (or who has been found not guilty by reason of insanity of committing a sex or kidnapping offense) must register with his or her local county

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sheriff. The length of time an offender must register depends on the underlying offense and prior offenses.

Risk Classification. Sheriffs must assign risk level classifications to all registered offenders. Registered offenders are classified according to risk levels I, II, and III based on risk to re-offend in the community (low, moderate, and high risk, respectively).

Public Disclosure. The Washington Association of Sheriffs and Police Chiefs (WASPC) is required to create and maintain a statewide website to publish information about risk level II and III offenders, and in some circumstances, level I offenders.

Beyond information published on the website, public agencies are authorized to release information to the public regarding registered offenders when disclosure is relevant and necessary to protect the public and counteract the danger created by a particular offender. The extent of the public disclosure must be related to: the offender's risk level classification; the locations where the offender resides, expects to reside, or is regularly found; and the needs of the affected community members for information to enhance their individual and collective safety.

Agencies must consider certain guidelines in determining the extent of disclosure. For any registered offender, an agency must share information with other appropriate law enforcement agencies and any public or private school in which an offender is enrolled. An agency may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense, any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found, and any individual who requests information regarding a specific offender.

For an offender with a risk level II or III classification, an agency may also disclose relevant, necessary, and accurate information to public and private schools, child daycare centers, family daycare providers, public libraries, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found.

For an offender with a risk level III classification or who is homeless or transient, an agency may also disclose relevant, necessary, and accurate information to the public at large.

Summary of Bill:

A public agency may disclose relevant, necessary, and accurate information regarding an offender with a risk level I classification to public and private schools, child day care centers, family daycare providers, public libraries, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found.

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:

(In support) This bill addresses concerns by local prosecutors and law enforcement who are unable to share information regarding level I offenders in some circumstances. Current law ties the hands of law enforcement, creating a potential public safety hazard by leaving daycares and other facilities uninformed about persons with whom they are interacting. For example, there was an instance of a level I offender dropping off and picking up his children at daycare, but then lingering around other children. Law enforcement could not share information about his registration status with the daycare, but this would have otherwise been allowed if he was a level II offender. This is unnecessarily restrictive. Sharing information should be allowed when it can assist parents and other community members to make informed decisions.

The bill is a simple, narrow change to grant discretionary authority to law enforcement to share relevant, necessary, and accurate information to a limited number of groups and persons. The registration system is not designed to be punishment, and it is important to strike the appropriate balance of providing information without unreasonably burdening those who are required to register. This bill appropriately addresses the needs of the community without causing an imbalance.

Knowledge is critical to protecting the public. A well informed public will develop better situational awareness, which is good for schools, daycares, and neighborhoods. The bill provides law enforcement with the ability to provide information to the public, who can then make informed decisions and weigh risks appropriately.

(Opposed) This bill will create safety concerns for registered persons, without improving the safety of the public. Level I offenders are categorized as low risk, and many of them are juveniles. When evaluating data across this population, it is important to understand the impact of registration. Registration makes it more challenging for reentering offenders to find school, housing, and employment. Creating unnecessary alarm about an offender will make him or her feel helpless, and then make it more likely he or she will return to criminal activity.

This bill is unnecessary, and it grants too much discretion to law enforcement.

Persons Testifying: (In support) Representative Dye, prime sponsor; Matt Newberg, Garfield County Prosecuting Attorney's Office; Jim Nelson, Garfield County Sheriff's Office; James McMahan, Washington Association Sheriffs and Police Chiefs; and Darell Stidham, Washington Council of Police and Sheriffs.

(Opposed) Paul Strophy, Washington Association of Criminal Defense Lawyers and Washington Defender Association.

Persons Signed In To Testify But Not Testifying: Rowland Thompson, Allied Daily Newspapers of Washington.