

HOUSE BILL REPORT

SSB 5083

As Reported by House Committee On:
Public Safety

Title: An act relating to notice of relief from the duty to register.

Brief Description: Requiring the prosecuting attorney to use reasonable efforts in notifying a victim of a sex or kidnapping offender's petition for relief from registration.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senator Pearson).

Brief History:

Committee Activity:

Public Safety: 3/9/17, 3/16/17 [DP].

Brief Summary of Substitute Bill

- Requires the prosecuting attorney to make reasonable efforts to notify the victim when a person required to register as a sex or kidnapping offender petitions for relief from the duty to register.

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.

Staff: Omeara Harrington (786-7136).

Background:

Sex and Kidnapping Offender Registration.

The Washington State Patrol maintains a central registry of sex offenders and kidnapping offenders. Any adult or juvenile who has been convicted or found not guilty by reason of insanity of any sex or kidnapping offense must register with the sheriff in the county of the person's residence. The person must provide certain information, including: name and any aliases; residential address; date and place of birth; place of employment; crime, date, and

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place of conviction; and Social Security number. In addition, the registrant must submit to a photograph and fingerprinting, and is required to provide a DNA sample.

The duration of the registration requirement depends on the classification of the offense and the registrant's offense history:

- For persons convicted of a class A felony, and persons convicted of a sex offense or kidnapping offense who have one or more prior sex or kidnapping offense convictions, the registration requirement continues indefinitely.
- For persons convicted of a class B felony with no prior sex or kidnapping offense convictions, the duty to register continues for 15 consecutive years without a disqualifying offense.
- For persons convicted of a completed or attempted class C felony, or certain listed gross misdemeanors, the duty to register continues for 10 consecutive years without a disqualifying offense.
- Persons who have been determined to be sexually violent predators must register for life.

If a person has a duty to register and fails to do so, he or she is guilty of a crime.

Relief From the Duty to Register.

A person whose duty to register has ended by operation of law may submit a request to the sheriff to be removed from the registry. If the sheriff determines the duty to register has ended, the sheriff must ask the Washington State Patrol to remove the person from the registry.

Alternatively, a registrant may petition the court for relief from the duty to register. A person with a duty to register may file a petition for relief under the following circumstances:

- the person has spent 10 consecutive years in the community without being convicted of a disqualifying offense;
- the person's registration requirement is based on a federal, tribal, or out of state conviction, and the person has spent 15 consecutive years in the community without being convicted of a disqualifying offense; or
- the offense was committed when the registrant was a juvenile, and at least 24 months have passed with no further sex or kidnapping offenses, or convictions for failure to register. If the registration requirement is based on a class A felony committed when the registrant was at least 15 years old, the requisite time period is 60 months, rather than 24 months.

The prosecuting attorney must be named as the respondent and served notice of the petition for relief from registration. The court may relieve a petitioner of the duty to register only upon a showing that the petitioner is sufficiently rehabilitated to warrant removal from the registry. The burden of proof is clear and convincing evidence, unless the offense was committed as a juvenile, in which case the burden of proof is a preponderance of the evidence. The court is provided with certain statutory factors to consider in determining whether the petitioner has been rehabilitated, including any input of the victim.

Summary of Bill:

When a person who is required to register as a sex or kidnapping offender petitions for relief from the duty to register, the prosecuting attorney must make reasonable efforts to notify the victim of the petition. Notification must be in the form of the victim's choice of telephone, letter, or email, if known.

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 an issue that has been overlooked, and was drafted with assistance from prosecutors. The bill simply requires prosecutors to make reasonable efforts to notify victims, which will not be extraordinarily binding, and will bring relief to some victims of horrific crimes. When offenders may petition for relief from the registration requirement, it is upsetting and worrisome to victims. The bill will reassure victims that they can make their voices heard in these decisions.

(Opposed) None.

Persons Testifying: Senator Kirk Pearson, prime sponsor; and Brandi Rose.

Persons Signed In To Testify But Not Testifying: None.