

# SENATE BILL REPORT

## SB 5430

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As Reported by Senate Committee On:  
Law & Justice, February 14, 2017

**Title:** An act relating to notice to a victim when a registered out-of-state sex offender moves to Washington.

**Brief Description:** Concerning notice to a victim when a registered out-of-state sex offender moves to Washington.

**Sponsors:** Senators Pearson, Fortunato and Conway.

**Brief History:**

**Committee Activity:** Law & Justice: 2/08/17, 2/14/17 [DPS].

**Brief Summary of Substitute Bill**

- Requires a county sheriff to make reasonable efforts to notify the victim of a sex or kidnapping offender moving to Washington from another state if the victim resides in Washington.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5430 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel, Darneille, Frockt and Wilson.

**Staff:** Shani Bauer (786-7468)

**Background:** Any adult or juvenile offender residing in the state who has been convicted of a sex or kidnapping offense must register with the county sheriff upon release from confinement. The offender must provide complete information to the county sheriff including the offender's address, aliases used, place of employment, social security number, photograph, and fingerprints. The person is required to notify the county sheriff of any changes in address. The county sheriff must periodically verify an offender's information. A person who does not register or keep the sheriff appropriately notified of changes may be convicted of a failure to register.

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*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.*

A sex or kidnapping offender who moves to Washington from another state or a foreign country must register within three business days of moving to the state. If the offender will be under the jurisdiction of an agency of this state when the offender moves to Washington, the agency must provide the offender with notice of the duty to register.

**Summary of Bill (First Substitute):** If a sex or kidnapping offender moves to Washington from another state, the county sheriff must make reasonable efforts to notify any victim of the offender who resides in Washington via the victim's choice of telephone, letter, or email, if known.

**EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):**

- Requires the county sheriff to make reasonable efforts to notify any victim of the offender who resides in Washington.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: The issues addressed in this bill were brought to my attention by some victims who moved to Washington. This bill is needed to address a lapse in following the law. We need a stronger statute to deal with the disclosure of sex offender information.

A sex offender was sentenced to six years in prison in another state and was required to register as a Level 1 sex offender. The victims moved to Washington several years ago. Recently, the offender moved to Lacey without ever being notified. The victims contacted the Thurston County Sheriff who refused to give them any information beyond confirming that the offender was registered in the county. The victims were never notified that he moved to the neighborhood. Information is not freely available. When this bill was submitted, the sheriff's office changed its stance on the release of information. This bill is needed to ensure that the public and victims would have the information needed to protect themselves from sex offenders.

CON: Law Enforcement has extensive community notification for high risk offenders. This bill would require notice to victims who move to Washington from out-of-state. The challenge is how Law Enforcement is to know where the victim is. Law Enforcement does not have a system where a victim can request future notification in the event a perpetrator moves to the state.

**Persons Testifying:** PRO: Bethany Coco, citizen; Brandi Rose, citizen; Jasmine DeVinney, citizen; Brad Meryhew, WA Defender Association, WA Association of Criminal Defense Lawyers.

CON: James McMahan, WA Association of Sheriffs and Police Chiefs

**Persons Signed In To Testify But Not Testifying:** No one.