

SENATE BILL REPORT

SB 5123

As Reported by Senate Committee On:
Human Services, Reentry & Rehabilitation, February 5, 2021

Title: An act relating to creating a developmentally appropriate response to youth who commit sexual offenses.

Brief Description: Creating a developmentally appropriate response to youth who commit sexual offenses.

Sponsors: Senators Darneille, Das, Nguyen, Saldaña and Wilson, C..

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/19/21, 2/05/21 [DPS, DNP, w/oRec].

Brief Summary of First Substitute Bill

- Amends the sex offender registration requirement for certain individuals with sex offenses committed under the age of 18.
- Alters the waiting period prior to relieving the duty to register for sex offenses committed under the age of 18 for all levels to 24 months.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: That Substitute Senate Bill No. 5123 be substituted therefor, and the substitute bill do pass.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Gildon, Ranking Member; Saldaña and Wilson, C.

Minority Report: Do not pass.

Signed by Senator McCune.

Minority Report: That it be referred without recommendation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senator Dozier.

Staff: Julie Tran (786-7283)

Background: Juvenile Sex Offender Registration. Individuals adjudicated or convicted of a sex offense or kidnapping offense are required to register with the county sheriff, of the county of the offender's residence. The court may relieve an individual from the duty to register if the individual:

- committed the offense when they were under the age of 18 on the offense date;
- is not determined to be a sexually violent predator;
- completed any term of confinement for the offense resulting in the duty to register;
- has not been adjudicated or convicted of any additional sex offense, or kidnapping offenses, or the failure to register during the waiting period;
- has completed their specific waiting period prior to petitioning the court; and
- provided to the court that there has been sufficient rehabilitation to remove the registration requirement.

For individuals adjudicated for a class A felony offense when the individual is at least 15 years old, the waiting period is at least 60 months following adjudication and completion of any term of confinement. For any other registration offenses, the standard waiting period is 24 months.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): Duty to Register as a Sex Offender. Any individual who committed a sex offense when they were under 18 is required to register if the individual:

- committed a class A or class B sex offense at the age of 16 or 17;
- committed a sex offense and are under 18 with a prior sex offense conviction or had deferred disposition for a sex offense;
- is convicted of an offense in adult court;
- has an out-of-state, tribal, or federal conviction; or
- committed a kidnapping offense.

The legal obligation to register as a sex offender is extinguished for those individuals who committed a sex offense while under the age of 18 and they do not have the duty to register.

For the individuals who committed the offense under the age of 18 and have the duty to register, the standard waiting period for the court to consider relieving an individual's duty to register is 24 months following adjudication and completion of any term of confinement for all sex offenses and kidnapping offenses regardless of the offense's class or individual's age.

By August 1, 2021, the Washington State patrol shall:

- remove all persons from the sex or kidnapping offender registry whose requirement to register is extinguished by this act; and
- notify any person, whose obligation to register is extinguished by this act, and their school if they are enrolled in school or higher education.

EFFECT OF CHANGES MADE BY HUMAN SERVICES, REENTRY & REHABILITATION COMMITTEE (First Substitute):

- Adds an intent section.
- Clarifies the definition of adult.
- Amends the sex offender registration requirement for certain individuals with sex offenses committed under the age of 18.
- Extinguishes the legal obligation to register for individuals who do not have the duty to register.
- Alters the waiting period prior to relieving the duty to register for offenses committed under the age of 18.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: State law provides a range of robust responses from evaluation, treatment, probation, and incarceration. This bill does not change these responses. This legislation ends the ineffective and harmful requirement of youth sex offender registration. Youth registration is associated with an increase in likelihood of suicide, physical assault, and child sex abuse. Youth registration does not prevent harm and it does not keep the community safe. It is a promotion of punitive punishment and it impacts the youth's ability to try and do better. Studies have shown that 97 percent of youth never reoffend with new sex crimes. It is critical that we end youth notification and registration laws. We should support the future of our youth.

CON: Juvenile sex offender registration needs review. We need to address how juveniles can be more accountable for their behavior. This is a very complex area of law and policy and the duty to register can cause harm on juveniles. This bill and the proposed changes risk public safety. Registration is appropriate as some juvenile sex offenders are violent or re-offenders. This bill does not consider that there could be those who are a danger to the public and there should be discretion as they should be required to register. We believe the changes to SSODA would impact public safety and we are concerned about the deferred disposition. Sex offenses should not be a deferred crime.

Persons Testifying: PRO: Senator Jeannie Darneille, Prime Sponsor; Elizabeth J. Letourneau, Moore Center for the Prevention of Child Sexual Abuse; Timothy Kahn, Certified Sex Offender Treatment Provider; Katherine Hurley, King County Department of Public Defense; Roger Rogoff, King County Superior Court Judge; Kendrick Washington, ACLU of Washington.

CON: Laura Merchant, Harborview Abuse and Trauma Center; James McMahan, Washington Association of Sheriffs and Police Chiefs; Russell Brown, Washington Association of Prosecuting Attorneys.

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