

FINAL BILL REPORT

2SHB 2714

C 230 L 08

Synopsis as Enacted

Brief Description: Making failure to register as a sex offender a class B felony.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Loomis, Hurst, Lantz, Upthegrove, Conway, Simpson, VanDeWege and Kelley).

House Committee on Public Safety & Emergency Preparedness

House Committee on Appropriations

Senate Committee on Human Services & Corrections

Background:

Failure to Register as a Sex Offender.

Under the Community Protection Act of 1990, a sex offender must register with the county sheriff of the county in which he or she resides. An offender must provide certain information upon registration including name, complete residential address, date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases, Social Security number, photograph, and fingerprints.

Registered sex offenders are subject to a variety of requirements after registration. For example, an offender must notify the county sheriff if he or she moves or changes any of the information in the registry. Also, homeless offenders must check in with the county sheriff once a week. Level II and level III sex offenders must check in with the county sheriff every 90 days.

A sex offender who knowingly violates the requirements of the registration statute is guilty of a class C felony if the offense that caused the duty to register was a felony. The offense is "unranked" on the first offense, which means the offender would be subject to a term of confinement within the standard range of zero to 12 months. A first-time offender is also subject to a mandatory term of community custody (supervision in the community) of 36-48 months. For second and subsequent offenses, the offense is ranked at seriousness level II, which means the offender, assuming he or she has no other prior offenses, would be subject to a term of confinement of 12-14 months. The offender would also be subject to a mandatory term of community custody of 36-48 months.

A sex offender who knowingly violates the requirements of the registration statute is guilty of a gross misdemeanor if the offense that caused the duty to register was not a felony.

Classes of Felonies.

In Washington, felonies are divided into three classes: A, B, and C. The class of felony determines the statutory maximum for the offense; the term of confinement plus any term of community custody may not exceed this maximum. In addition, the class of felony determines the maximum amount an offender may be fined. The maximums for the different classes of felonies are as follows:

- class A felonies: Life in prison and \$50,000.
- class B felonies: 10 years in prison and \$20,000.
- class C felonies: Five years in prison and \$10,000.

Juvenile Sentencing.

In general, the sentence for a juvenile offender is determined by the offender's criminal history and the "offense category" for the offense. The offense category for many felonies is determined in statute. For felonies that do not have a specific offense category assigned to them, the offense category is determined based on the class of the felony. Failure to Register as a Sex Offender, since it does not have a specific offense category assigned to it, has an offense category of C (D for attempts, bailjumps, conspiracies, or solicitations).

Summary:

Failure to Register as a Sex Offender.

The penalty for felony-level Failure to Register as a Sex Offender is increased from a class C felony to a class B felony.

The Sex Offender Policy Board must review and make recommendations regarding sex and kidnapping offender registration and public notification. The review and recommendations must, at a minimum, include:

- the appropriate class of felony and sentencing designations for a conviction of Failure to Register;
- the appropriate groups and classes of adult and juvenile offenders who should be required to register;
- the duration and termination process for sex and kidnapping offender registration and public notification; and
- simplification of statutory language to allow the Department of Corrections, law enforcement, and offenders to more easily identify registration and notification requirements.

In formulating its recommendations, the Sex Offender Policy Board must review the experience in other jurisdictions and any available evidence-based research to ensure that its recommendations have the maximum impact on public safety. The Sex Offender Policy Board must report to the Governor and the Legislature no later than November 1, 2009.

Juvenile Sentencing.

For purposes of juvenile sentencing, the offense category for Failure to Register as a Sex Offender is retained at its current level, which is offense category C (offense category D for attempts, bailjumps, conspiracies, or solicitations).

Votes on Final Passage:

House	97	0	
Senate	46	0	(Senate amended)
House			(House refused to concur)
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

Effective: June 12, 2008
June 9, 2010 (Sections 1-3)