

HOUSE BILL REPORT

SHB 2534

As Passed Legislature

Title: An act relating to establishing a program to verify the address of registered sex offenders and kidnapping offenders.

Brief Description: Establishing a program to verify the address of registered sex offenders and kidnapping offenders.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Hurst, Pearson, O'Brien, Chase, Kelley, Conway, Van De Wege, Sells, Ericks, Morrell, Kirby, Campbell, Haigh and Smith).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/12/10, 1/13/10 [DPS];

General Government Appropriations: 2/4/10 [DPS(PSEP)].

Floor Activity:

Passed House: 2/11/10, 97-0.

Senate Amended.

Passed Senate: 3/3/10, 46-0.

House Concurred.

Passed House: 3/8/10, 96-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Establishes a grant program administered by the Washington Association of Sheriffs and Police Chiefs for sex offender address verification by local governments.
- Removes the 90-day reporting requirement for level II and III sex offenders.
- Requires an offender who lacks a fixed residence to keep an accurate list of locations stayed in the last seven days and provide it to the sheriff upon request.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

Staff: Alexa Silver (786-7190).

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: The substitute bill by Committee on Public Safety & Emergency Preparedness be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake, Crouse, Dunshee, Hudgins, Kenney, Klippert, Pedersen, Sells, Short, Van De Wege and Williams.

Staff: Alex MacBain (786-7288).

Background:

Sex and Kidnapping Offender Registration and Reporting Requirements.

A sex or kidnapping offender must register with the county sheriff of the county in which he or she resides. The offender must provide his or her name, 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.

Level II and III sex offenders who have a fixed residence must report to the county sheriff every 90 days. An offender who lacks a fixed residence must report weekly to the county sheriff. The sheriff may require the person to provide a list of the locations where he or she stayed over the last seven days.

A person who knowingly fails to comply with the registration requirements is guilty of a class B felony if the crime of conviction was a felony sex offense and a class C felony if the crime of conviction was a felony kidnapping offense. A person is guilty of a gross misdemeanor if the crime of conviction was not a felony.

In *State v. Flowers*, the court found that because the statute authorizes the sheriff to require an offender without a fixed residence to provide a list of locations stayed but does not itself require a list, an offender cannot be convicted for failure to register if he or she fails to provide an accurate list to the sheriff.

Verification of a Registered Sex Offender's Address.

The chief law enforcement officer of a jurisdiction must make reasonable attempts to verify the address of registered sex offenders in the jurisdiction. "Reasonable attempts" are defined to include: (1) for registered sex offenders, an annual mailing of an address verification form; and (2) for sexually violent predators, a mailing every 90 days of an address

verification form. The offender must sign and return the form to the chief law enforcement officer of the jurisdiction within 10 days of receipt.

If an offender fails to return the address verification form or cannot be located, the chief law enforcement officer must make reasonable attempts to locate the offender. The law enforcement officer must forward this information to the sheriff and the Washington State Patrol for inclusion in the central sex offender registry.

Summary of Substitute Bill:

Verification of a Registered Sex Offender's Address.

When funded, the Washington Association of Sheriffs and Police Chiefs (WASPC) shall administer a grant program for sex offender address verification by local governments. The WASPC must:

- enter into performance-based agreements with local governments so that offenders' addresses are verified every 12 months for level I and unclassified offenders, every six months for level II offenders, and every three months for level III offenders;
- collect performance data; and
- submit an annual report to the Governor and the Legislature.

Unclassified offenders are considered at risk level I, unless the local jurisdiction believes a higher classification level is in the interest of public safety.

"Reasonable attempts" to verify an offender's address include participation in the WASPC grant program. If a sheriff, police chief, or town marshal does not participate in the WASPC grant program, the chief law enforcement officer of the jurisdiction must send an annual address verification form to offenders in the county and must send an address verification form every 90 days to sexually violent predators.

County sheriffs and police chiefs or town marshals may enter into agreements to fulfill these address verification obligations.

Offender Reporting Requirements.

Level II and III sex offenders with a fixed residence are no longer required to report to the county sheriff every 90 days.

An offender who lacks a fixed residence must keep an accurate accounting of where he or she stayed during the week and provide it to the sheriff upon request.

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 (Public Safety & Emergency Preparedness):

(In support) This bill was generated from an abduction and homicide case involving a level I offender. There is a need for a workable program to confirm offenders' locations because communities are safer when they know where sex offenders live. The funded address verification program is more effective and efficient than the inoperable 90-day check-in requirement. This bill will make it more likely that certain offenders will comply with the requirements.

(With concerns on original bill) There is a cost concern with this bill, but technical changes are underway so there will be no burden on King County.

Staff Summary of Public Testimony (General Government Appropriations):

(In support) The bill codifies an effective sex offender address verification grant program that is currently being run by the Washington Association of Sheriffs and Police Chiefs.

(Opposed) None.

Persons Testifying (Public Safety & Emergency Preparedness): (In support) Representative Hurst, prime sponsor; Jo Arlow, Washington Association of Sheriffs and Police Chiefs; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; and Dan Kimball, Thurston County Sheriff.

(With concerns on original bill) Tom McBride, Kitsap County.

Persons Testifying (General Government Appropriations): Jo Arlow, Washington Association of Sheriffs & Police Chiefs.

Persons Signed In To Testify But Not Testifying (Public Safety & Emergency Preparedness): None.

Persons Signed In To Testify But Not Testifying (General Government Appropriations): None.