

HOUSE BILL REPORT

SSB 5326

As Reported by House Committee On:
Human Services

Title: An act relating to notice to individuals convicted of a sex offense as a juvenile of their ability to terminate registration requirements.

Brief Description: Concerning notice to individuals convicted of a sex offense as a juvenile of their ability to terminate registration requirements.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senator Regala; by request of Sentencing Guidelines Commission).

Brief History:

Committee Activity:

Human Services: 3/18/09, 3/19/09 [DP].

Brief Summary of Substitute Bill

- Requires the Washington State Patrol (WSP), at least annually, to provide notice to registered sex or kidnapping offenders whose offenses were committed when they were juveniles of the ability to petition for relief from the duty to register.
- Allows the WSP, for economic efficiency, to combine into one notice of the existing obligation to notify sex and kidnapping offenders of any changes in registration requirements and the notice of the ability to petition for relief under this bill.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green, Klippert, Morrell, O'Brien and Walsh.

Staff: Linda Merelle (786-7092)

Background:

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 person who was convicted of a sex or kidnapping offense as a juvenile and who has a duty to register may petition the superior court to be relieved of that duty. If the petitioner was under the age of 15 when the offense was committed, the petitioner must demonstrate that he or she has not been adjudicated of any additional sex or kidnapping offenses during the 24 months following the adjudication of the offense and prove by a preponderance of the evidence that future registration of the petitioner will not serve the purposes of the registration requirement, which is to protect the community, aid law enforcement in investigating sex crimes, and to apprehend sex offenders.

If a juvenile was 15 or older when the offense was committed, the petitioner must show by clear and convincing evidence that future registration of the petitioner will not serve the purposes of registration.

Summary of Bill:

The Washington State Patrol (WSP), in addition to its obligation to notify registered sex and kidnapping offenders of any change to registration requirements, must annually notify sex offenders, who committed their offenses when they were juveniles, of their right to petition the court for relief. For economic efficiency, the WSP may combine these two notice requirements into a single notice.

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) Under this bill, offenders will be notified of their ability to petition the court to be relieved of the requirement of registration. Juveniles currently have to register for life for certain offenses. This bill only adds one more element to notices already sent out regarding registration requirements for sex offenses, and this is an economical way to let the persons know what their rights are. Juveniles are treated as adults for the purposes of registration regardless of the seriousness of the crime. Juveniles do not have the pathology of adult sex offenders and their recidivism rate is lower than adults. If juveniles fail to register, they fall into a downward spiral, and they may end up being reclassified to a higher level of sex offender. The registration alone creates tremendous barriers. Their options for living are squeezed out. Landlords will not rent to them, and they may be forced into being homeless. The number of employers who would hire a person who must register is very small. A common denominator of juvenile sex offenders is that they come from chaotic backgrounds and do not understand boundary issues.

(Opposed) None.

Persons Testifying: Senator Regala, prime sponsor; Jean Soliz-Conklin, Sentencing Guidelines Commission; Jo Arlow, Washington Association of Sheriffs and Police Chiefs; and Charles Shelan, Community Youth Services.

Persons Signed In To Testify But Not Testifying: None.