

HOUSE BILL REPORT

HB 2281

As Reported By House Committee On:

Corrections

Title: An act relating to sex offender registration.

Brief Description: Improving address reporting by sex offenders.

Sponsors: Representatives Sehlin, Sheahan, Blanton, Backlund, Goldsmith, L. Thomas, Mulliken, McMahan, Patterson, Conway and Chopp.

Brief History:

Committee Activity:

Corrections: 1/17/96, 1/23/96 [DPS].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; Schoesler and D. Sommers.

Staff: Rick Neidhardt (786-7841).

Background: Convicted sex offenders must register with the sheriff of the county in which they reside. In general, this registration must be completed within 24 hours of being released from custody. The registration process requires the offender to disclose, among other items, the address where he or she will be living.

Changing residence within a county. If a registered sex offender moves to a new residence, but the new residence is in the same county where he or she is registered, the offender must send written notice of the change in address to the local sheriff within ten days of moving.

Changing residence to a new county. If a registered sex offender moves to a new residence in another county, the offender must complete two steps within 10 days of moving:

- (1) register with the sheriff of the county where the new residence will be; and
- (2) send written notification of the new address to the sheriff of the county where the offender previously resided.

Violations of registration requirements. An offender who knowingly fails to register or who moves without notifying the county sheriff is guilty of a crime. The crime is a class C felony if the underlying sex offense was a Class A felony, and is a gross misdemeanor otherwise.

Summary of Substitute Bill: The deadlines are changed so that a registered sex offender must notify authorities in advance of a change in address, as detailed below.

Changing residence within a county. A registered sex offender who moves to a new address in the same county must notify the local sheriff of the change of address at least 14 days before moving.

Changing residence to a new county. A registered sex offender who moves to a new address in another county must:

- (1) send written notice of the change in address, at least 14 days before moving, to the sheriff of the new county;
- (2) register with the sheriff of the new county within 24 hours of moving; and
- (3) send written notice of the change in address, within 14 days of moving, to the sheriff of the old county.

Violations of registration requirements. A new affirmative defense is established with regard to the new requirement of giving 14 days' advance notification of a move. Under this defense, the defendant must establish by a preponderance of the evidence that (1) the defendant did not know the location of the new residence at least 14 days prior to moving, and (2) the defendant sent the required notice within 24 hours of determining the new address.

Substitute Bill Compared to Original Bill: The original bill required 10 days' notice. The substitute bill changed the requirements of 10 days' notice to 14 days.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Sheriff's offices need advance notice when a registered sex offender moves into the county. Current law leaves the public unaware of the presence of sex

offenders. A newly-arrived sex offender can begin grooming new victims before the sheriff's office learns of his or her presence. There is sometimes a delay between the time when the sheriff's office learns of a new sex offender and when they can complete a background check on the new offender. Notification of the public also takes some time, so advance notice is important to law enforcement.

Testimony Against: None.

Testified: Representative Barry Sehlin, prime sponsor (pro); Owen Burt, Dee Johnson, and Errol Ortego, Island County Sheriff's Office (pro); and Victoria Roberts, Department of Corrections (providing background information).