

HOUSE BILL REPORT

ESB 6708

As Reported By House Committee On:

Corrections

Title: An act relating to sex offender registration violations.

Brief Description: Increasing penalties for sex offender registration violations.

Sponsors: Senators Goings, Rasmussen, Winsley, Sheldon, Haugen, Hale, McCaslin, Heavey, Finkbeiner, Hochstatter, McAuliffe and Oke.

Brief History:

Committee Activity:

Corrections: 2/20/96, 2/21/96 [DPA].

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass as amended. 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:

Registration of sex offenders. A person convicted of a sex offense is required to register with the county sheriff. The sex offenses triggering this registration requirement include all felony sex offenses and a few gross misdemeanor sex offenses.

Felony offenses are classified as Class A, B, or C felonies. Class A felonies generally are the most serious of the felonies, and Class C are the least.

Failing to register as a sex offender. A sex offender who fails to register or fails to give notification about an address change is guilty of a crime. The crime is classified as a Class C felony if the person's sex offense was a Class A felony. The crime is classified as a gross misdemeanor if the person's sex offense was anything other than a Class A felony.

Requirement to report changes in address. At the time of registration, the sex offender must inform the county sheriff of the address where he or she will be living. During the registration period, any sex offender who moves to another address in the same county must inform the sheriff of the change in address within 10 days after moving. During the registration period, any sex offender who moves to a new county must re-register with the new county's sheriff within 10 days after moving.

Summary of Amended Bill:

Failing to register as a sex offender. The classification for the crime of failing to register or give notification of address changes is changed. The crime is classified as a Class C felony if the person's sex offense was a felony (instead of only Class A felonies). The crime remains classified as a gross misdemeanor if the person's sex offense was a gross misdemeanor.

Requirement to report changes in address. During the registration period, any sex offender who moves to another address in the same county must notify the sheriff of the change in address at least 14 days before moving. Any sex offender who moves to a new county must notify the new county's sheriff of the change in address at least 14 days before moving, and must re-register with the new county's sheriff within 24 hours after moving.

An affirmative defense is created to allow a sex offender to show that he or she did not know the new address at least 14 days prior to moving.

Amended Bill Compared to Engrossed Bill: The amended bill changes the deadlines for the reporting of address changes. The engrossed bill provided that a sex offender moving within the same county had to notify the sheriff of the new address within three days after the move. The engrossed bill did not address the situation where a sex offender moves to a new county. Because the amended bill provides for advance notification, the amended bill adds the affirmative defense.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Local law enforcement agencies support this bill. The bill promotes public safety. Some offenders choose not to register or notify because the crime is only a misdemeanor. Misdemeanants do not always get a sufficiently long sentence. Felony prosecutors better understand the issues than do district misdemeanor prosecutors. Changing the felony status of failing to register will make the law more

uniform and less confusing. Neighbors need to know when an offender moves in; 10 days is too long. Some offenders move every few days in order to avoid current notification requirements. Requiring advance notice of a move would be wonderful. Sex offenders' compliance rate with the requirement to register is high, but the compliance rate is much worse with the subsequent requirement to notify the sheriff about residential changes.

Testimony Against: None.

Testified: Senator Calvin Goings, prime sponsor; Roland Weiss, Thurston County Sheriff's Office (pro); and Bob Hoffman, Pierce County Sheriff's Office (pro).