

HOUSE BILL REPORT

HB 2903

As Reported By House Committee On:
Corrections

Title: An act relating to release to the public of information regarding sex offenders.

Brief Description: Extending authority for release of information regarding sex offenders to the public.

Sponsors: Representatives Sherstad, Koster, Ballasiotes, Sterk, Crouse, McMahan, Blanton, D. Sommers, Goldsmith and Sheldon.

Brief History:

Committee Activity:

Corrections: 1/30/96, 2/1/96 [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:

Public notification about sex offenders. Public agencies are authorized to inform the public about sex offenders when doing so is necessary for public protection. This notification usually is left to the discretion of local law enforcement agencies. If an agency decides to notify the public, the agency is required to make a good faith effort to give the public at least 14 days' notice before the offender's release.

In order for local law enforcement agencies to have the necessary information to make this decision, current law requires a number of state agencies to give advance notice to local law enforcement agencies prior to releasing sex offenders from confinement. For example, the Department of Corrections and the Juvenile Rehabilitation Administration are each required to give at least 30 days' advance notice to a local law enforcement agency before releasing a sex offender.

Limit on authority to notify the public. It has been argued that current law limits a local law enforcement agency's notification authority to cases where the agency has received information on the offender from one of these statutorily mandated sources of information (e.g., the Department of Corrections). Under this argument, a local law enforcement agency could not notify the public if it obtained reliable information from any other source.

Limits on authority for notification regarding SSOSA and SSODA offenders. Another potential limitation on notification of the public is statutory language that refers to sex offenders who are being "released." Some sex offenders, however, are not "released" from confinement, because they have not served any confinement time. Specifically, adult sex offenders who are given a special sex offender sentencing alternative (SSOSA) and juvenile sex offenders who receive the similar special sex offender disposition alternative (SSODA) are given suspended sentences and do not necessarily spend any time in confinement. When a judge imposes a SSOSA or SSODA sentence, the judge has determined that the offender can be treated in the community without endangering public safety. Sometimes, however, one of these offenders is deemed by a local law enforcement agency to be dangerous enough to warrant public notification.

In at least one case, a court has construed the "released" language to mean that community notification is not authorized for a person who has been given a SSODA disposition.

Limitations on information regarding SSODA offenders. Although local law enforcement agencies receive information from many different state agencies regarding sex offenders, they do not currently receive information on SSODA offenders from the juvenile courts.

Summary of Substitute Bill: A number of possible limitations on public notification about sex offenders are removed.

- (1) Clarification is provided that public notification may occur even when the local law enforcement agency did not receive its information from a public agency that was required by law to report information to the local law enforcement agency.
- (2) The authority is explicitly expanded to include not only sex offenders who are being released from confinement, but also SSOSA and SSODA offenders who are allowed to remain in the community as part of their original sentences. When a local law enforcement agency determines such an offender merits public notification, the agency shall make a good faith effort to notify the public within 30 days after the offender is sentenced.

- (3) When a juvenile court imposed a SSODA disposition on a juvenile offender, the court shall send written notice of the disposition, at the earliest possible date and no later than 5 days after disposition, to the local law enforcement agencies in the area where the juvenile will reside.
- (4) Juvenile courts are authorized to release information about sex offenders when the information is necessary and relevant to public safety.

Substitute Bill Compared to Original Bill: The original bill had an added requirement that juvenile courts notify victims, witnesses, and schools, not just local law enforcement agencies, whenever a SSODA disposition was entered. The substitute bill clarifies that it is only when an offender is allowed to remain in the community as part of the original sentence that information must be supplied to local law enforcement agencies. The substitute bill removes inconsistent language from the bill. The substitute bill adds an emergency clause and makes some technical changes.

Appropriation: None.

Fiscal Note: Requested on January 31, 1996.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: When police have tried to get information on SSODA offenders, juvenile parole and probation officers have refused to give information. A court has held that the Department of Youth Services is not required under current law to give information. This bill allows for better notification and allows police agencies to get more information. This covers a gap in the law that was not intended by the Legislature. Some juvenile sex offenders are as serious as adult sex offenders.

Testimony Against: None.

Testified: Casey Johnson, King County Police Department (pro); and Robert Schilling, Seattle Police Department (pro).