

SENATE BILL REPORT

SHB 2903

As of February 13, 1996

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: House Committee on Corrections (originally sponsored by Representatives Sherstad, Koster, Ballasiotes, Sterk, Crouse, McMahan, Blanton, D. Sommers, Goldsmith and Sheldon).

Brief History:

Committee Activity: Human Services & Corrections: 2/15/96.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Andrea McNamara (786-7483)

Background: Public agencies are authorized to inform the public about sex offenders when doing so is deemed necessary for public protection. This notification is generally left to the discretion of local law enforcement agencies, who rely on information they receive about offenders from a number of state agencies.

Current law requires that, when an agency decides to notify the public, it must make a good faith effort to give at least 14 days' advance notice before an offender's release. To assist law enforcement in meeting this deadline, current law also requires agencies such as the Department of Corrections and the Juvenile Rehabilitation Administration to give 30 days' advance notice of the release to local law enforcement.

It has been suggested, and at least one court case has held, that the current notification laws apply only to "released" sex offenders and not those sex offenders who are sentenced to a community treatment sentence in lieu of incarceration, such as the Special Sex Offender Sentencing Alternative (SSOSA) for adults and the Special Sex Offender Disposition Alternative (SSODA) for juveniles.

In order to impose a SSOSA or SSODA sentence, the judge must determine the offender can be treated in the community without endangering public safety. Sometimes, however, local law enforcement deems a SSOSA or SSODA offender dangerous enough to warrant public notification. It has been argued that law enforcement should be given specific statutory authority to make these notifications.

Summary of Bill: A number of possible limitations on public notification about sex offenders are removed, including (1) clarification about the sources of the information to be disclosed; (2) expansion of the types of sex offenders about whom information may be disclosed; and (3) expansion of the notification laws to include juvenile offenders.

The authority to make public notifications exists whether or not the local law enforcement agency receives its information from a public agency that was required by law to report information to the local law enforcement agency.

Notification authority is 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 notification is warranted, the agency is required to make a good faith effort to notify the public within 30 days after the offender is sentenced.

Juvenile courts are required to send written notice of each SSODA disposition to the city and county law enforcement agencies where each juvenile SSODA offender will reside. The notice must be sent at the earliest possible date and no later than five days after the disposition is entered.

Juvenile courts are authorized to release information about juvenile sex offenders when the information is necessary and relevant to public safety.

Appropriation: None.

Fiscal Note: Requested on January 31, 1996.

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