

HOUSE BILL REPORT

HB 2368

As Reported By House Committee On:
Criminal Justice & Corrections

Title: An act relating to security on campuses of institutions of higher education.

Brief Description: Registering sex offenders and kidnappers, and regulating firearms, on campuses of institutions of higher education.

Sponsors: Representatives Carlson, Kenney, Radcliff, Gardner, Anderson, Constantine and Mason.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/20/98, 1/28/98 [DPS].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Cairnes; Dickerson; McCune; Mitchell; Radcliff and Sullivan.

Staff: Hamilton, Mark (786-7310).

Background:

Sex and Kidnapping Offender Registration.

Registration. Currently, convicted sex offenders and kidnappers are required to register with the sheriff of the county in which they reside. However, there are no registration requirements for such offenders who are students at institutions of higher education.

Penalty. Currently, the knowing failure to register is a class C felony or a gross misdemeanor, depending on the underlying conviction.

Weapons Restrictions. Currently, weapons, including firearms, are not permitted on elementary or secondary education institutions. Violation is a gross misdemeanor. However, there are no similar state law restrictions on college campuses.

Summary of Substitute Bill:

Sex and Kidnapping Offender Registration on College Campuses.

Registration. Requires an adult or juvenile who has been convicted of a sex or kidnapping offense, or who has been found not guilty by reason of insanity of such an offense, to register with the department of public health of any public or private institution of higher education within ten days of receiving notice of admission. Information to be provided is: (a) name, (b) address, (c) date and place of birth, (d) place of employment, (e) crime for which convicted, (f) date and place of conviction, (g) aliases used, and (h) social security number.

Penalty. An offender who knowingly fails to register with the county sheriff or institution of higher education is guilty of either a class C felony or a gross misdemeanor, depending on the severity of the sex or kidnapping crime for which the offender was convicted.

Substitute Bill Compared to Original Bill: Section 2 of the original bill is stricken in the substitute bill, thus eliminating all provisions relating to weapons restrictions at institutions of higher learning.

Appropriation: None.

Fiscal Note: Requested on January 14, 1998.

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

Testimony For: If colleges adopt their own policies, there will not be uniformity in the state. Sex and kidnapper registration and gun restrictions would not impose an undue financial hardship on colleges. *Sex and Kidnapping Offender Registration on Campus.* There are an estimated 40-50 sex offenders in Kittitas County. *Dangerous Weapon Restrictions on Campus.* Non-student gun carriers are a problem on campuses. There are younger students (*e.g.*, elementary and high school students participating in special programs) on college campuses who need protection from dangerous weapons; they are protected on their own elementary or secondary school campuses, but they are not protected when they enter the college campus for these programs. Some colleges already store weapons for students; one college estimates that it stores up to 140 weapons during the hunting season.

Testimony Against: *General Comments.* Several who testified expressed their insult and outrage that the same bill that addresses those who would carry a weapon on campuses also addresses sex offenders on campuses, claiming that gun owners were thereby equated with perverts and rapists.— *Sex and Kidnapping Offender Registration on Campus.* There might be opportunities for abuse of registered sex offenders by law enforcement officers who had knowledge of their status. *Dangerous Weapon Restrictions on Campus.* Gun restrictions do not equate with safety. Criminals are more afraid of an armed homeowner than of the police. This bill would do away with the safety of the law-abiding citizen. There is a major difference between K-12 and colleges; presumably, there will be adults on college campuses. Campuses spread out geographically pose a problem, especially for those students and non-students who participate in evening or night classes or activities. This is also the case when campuses are situated in or near an area which is not particularly safe, as when campuses are adjacent to high crime areas. Guns are a non-problem on campuses. Gun safety is an issue of personal responsibility. This bill would violate Article I, Section 24 of the Washington Constitution, which provides that [t]he right of the individual citizen to bear arms in defense of himself shall not be impaired.— Legal firearms owners are a public asset, not a public menace.

Testified: Representative Don Carlson, prime sponsor; Larry Erickson, Executive Director, Washington Association of Sheriffs and Police Chiefs; Steve Rittreiser, Chief of Police, Central Washington University; Walt Huston, Director of Campus Safety and Information, Pacific Lutheran University; and Ed Owens, St. Martin's College (All pro).

Myrtle and Merton Cooper, Port Orchard, Washington; Joe Waldron, Citizen's Committee for the Right to Bear Arms; Penny Orloff, stalking victim; and Charles Long (All con).

Allan Woodridge, Washington State Pistol & Rifle Association (Washington National Rifle Association affiliate); Ted Cowan, Washington Property Rights Alliance; Boyd Kneeland; and John Horahan, Council for Legislative Action in Washington (Pro on Section 1, but con on Section 2).