

HOUSE BILL REPORT

HB 2610

As Reported By House Committee On:

Criminal Justice & Corrections

Title: An act relating to sex and kidnapping offenders.

Brief Description: Revising procedures for registration of sex and kidnapping offenders.

Sponsors: Representatives Keiser, O'Brien, Costa, Sterk, Conway, Wood, Hatfield, Kenney, Anderson, Dickerson, Ogden and Gombosky.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/27/98, 2/4/98 [DP].

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 10 members: Representatives Ballasiotes, Chairman; Benson, Vice Chairman; Koster, Vice Chairman; O'Brien, Assistant Ranking Minority Member; Cairnes; Dickerson; Hickel; McCune; Mitchell and Sullivan.

Staff: Yvonne Walker (786-7841).

Background: Local Law Enforcement Agencies. The Community Protection Act of 1990 authorizes local law enforcement agencies to notify local communities regarding the release of sex offenders when it is necessary for public protection.

Notifications for level I sex offenders may include the release of information to appropriate law enforcement agencies and upon request relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides.

Notifications for level II sex offenders may include public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, vulnerable adults, and neighbors and community groups near the residence where the offender resides.

Notifications for level III sex offenders may also include dissemination of information to the same entities as listed for level I and II as well as to the general public (usually through the press).

Washington Association of Sheriffs and Police Chiefs (WASPC). WASPC is responsible for developing a model policy for local law enforcement agencies to follow when they disclose information about sex offenders to the public.

Agencies with Jurisdiction over Adult & Juvenile Offenders. The agency that has jurisdiction over the offender (Department of Corrections, Department of Social and Health Services, a local division of youth services, or a local jail or juvenile detention facility) must provide notice to sex offenders of the duty to register.

City and County Jails. Administrators of city and county jails must notify in writing any confined person who is in the custody of the jail for a conviction of a sex offense on the duty to register prior to the inmate's release from confinement. The jail administrators must obtain from the inmate the county of the inmate's residence upon release from jail and, where applicable, the city.

Responsibility of Sex Offenders. An adult sex offender who knowingly fails to register or who moves without notifying the county sheriff is guilty of a class C felony if the crime for which the individual was convicted was a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor. Sex offenders are not required to register their employers.

Summary of Bill: Sex offenders are required to register their employers with the county sheriff. The county sheriff is responsible for distributing sex offender background information to each employer of a level III sex offender.

Local Law Enforcement Agencies. When a risk level III sex offender registers with the county sheriff, the local law enforcement agency must make reasonable attempts to provide criminal background information to any employers of the risk level III sex offender.

Reasonable attempts at informing an employer include sending certified mail, with return receipt requested, to the sex offender's employer at the employer's registered address. If the employer does not sign the return receipt the sheriff shall contact the employer by telephone, electronic mail, or in person. The sheriff shall make reasonable attempts to locate any sex offender whose place of employment cannot be verified at the employer's registered address.

Washington Association of Sheriffs and Police Chiefs (WASPC). WASPC responsibilities are expanded to include developing a model or method for local law enforcement agencies to follow to distribute employer notifications relating to risk level III sex offenders.

Agencies with Jurisdiction over Adult & Juvenile Offenders. The agency that has jurisdiction over the offender (Department of Corrections, Department of Social and Health Services, a local division of youth services, or a local jail or juvenile detention facility) must inform sex offenders released on or after July 31, 1998, of their classified sex offender risk level.

City and County Jails. Information administrators of jails must obtain from any confined person who is in the custody of the jail for a conviction of a sex offense is expanded to include the following information: (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. In addition, the administrator of the jails must also provide notice to the offender of the duty to register and for sex offenders released on or after July 31, 1998, inform them of their classified sex offender risk level.

Responsibility of Sex Offenders. A sex offender released on or after July 31, 1998, classified as a risk level III, must send written notice of a change of employer to the county sheriff within 48 hours of commencement of employment. A sex offender who knowingly fails to register his or her place of employment or obtains or changes his or her place of employment without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony. If the sex offense was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

The bill also makes other technical amendments by merging conflicting double amendments involving public disclosure about sex offenders and kidnappers. This is a technical amendment that updates two RCW sections which were amended in 1997.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Over the years co-workers usually bond and establish a relationship that is often taken outside of the workplace. On an everyday basis many employees often share information about their spouse, children, and other relatives. These co-workers form a personal relationship or friendship and often spend time together outside of the workplace such as a co-worker's home. However, many times what we do not realize is the person that we may be sharing personal information may have been a convicted offender, such as a sex offender. Most employees do not have a problem working with convicted offenders; however, if their convicted backgrounds were shared, then workers

would know at least who they are working with and as a result could limit the types of personal information that they may be sharing with them. Relationships outside of the workplace, especially within someone's home with their family, would probably be nonexistent.

Testimony Against: The distribution of information to employers of sex offenders may start a form of discrimination. Employers might have second thoughts about hiring an offender once they know exactly how many and what kinds of sex crime he or she may have committed. In addition, the co-workers within the workplace may begin to treat the offender, who has paid his due to society, as an outcast. Since we have determinate sentencing in this state, the question that arises is when is an offender's sentence really over?

Testified: Representative Karen Keiser, prime sponsor; Alejouibe Martin, self; Mike Patrick, Washington State Council of Police Officers; and Suzanne Brown, Washington Coalition of Sexual Assault Programs (All pro). Sherry Appleton, Washington Defender Association (Con).