

HOUSE BILL REPORT

EHB 2424

As Passed House:
February 10, 2000

Title: An act relating to compliance with federal standards for monitoring sex offenders.

Brief Description: Changing provisions to comply with federal standards for monitoring sex offenders.

Sponsors: Representatives Ballasiotes and O'Brien; by request of Department of Community, Trade, and Economic Development and Department of Corrections.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/1/00, 2/4/00 [DP].

Floor Activity:

Passed House: 2/10/00, 97-0.

Brief Summary of Bill

- Requires certain sex offenders, particularly those convicted of one or more sex offenses, to register as a sex offender for life.
- Requires law enforcement officers to verify the address of sex offenders, classified as sexually violent predators, quarterly each year.
- Requires sex offenders that are working or attending school in a different state, other than their residence, to also register in the state where they happen to be working or attending school.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

Background:

In 1994, Congress passed the Jacob Wetterling Act, 42 U.S.C. Section 14071. The act contains a financial incentive to encourage states to adopt registration procedures for all persons convicted of sex offenses and kidnaping offenses where the victim is a minor. States are required to comply with the amended act by November 2000 or face an automatic 10 percent reduction in federal Byrne Formula Grant funding.

Since the enactment of the Jacob Wetterling Act, Congress has also passed Megan's Law, the Violent Crime Control and Law Enforcement Act, the Pam Lychner Act and the Commerce, Justice, State, and Appropriations Act (CJSA) all which have made several amendments to the original federal statute. Due to the federal amendments, Washington is now out of compliance with the federal statute and, as a result, needs to amend its statute in order to come into compliance with the new federal requirements. Those requirements include:

- requiring an offender classified as a sexually violent predator to register indefinitely;
- prohibiting the court from relieving a person from the duty of registering when he or she has been convicted of certain sex offenses involving children;
- requiring county sheriffs to verify sexually violent predators' registered address every 90 days; and
- informing sex offenders who choose to move, work, carry on a vocation, or attend school in another state to also register in that state.

Washington receives approximately \$10 million in Byrne grants per year. A partial loss of funding, due to being out of compliance with the federal statute, could result in Washington losing \$1 million in funding this fiscal year.

End of Duty to Register. A sex offender who has been convicted of a class A felony or a person who has been convicted of one or more prior convictions for a sex offense may petition the court to be relieved of the duty if the person has spent 10 consecutive years in the community without being convicted of any new offenses. The petition must be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions that took place outside of the Washington court system, the petition must be made to the court in Thurston county.

Address Verification. Each year the chief law enforcement officer must attempt to verify the sex offender's registered address by mailing a non-forwarding verification form to the last registered address. The offender must sign, verify his or her address, and return the form within 10 days.

If the offender fails to return the verification form or the offender is not at the last registered address, the chief law enforcement officer must promptly forward this information to the county sheriff and the Washington State Patrol for inclusion in the central registry of sex offenders.

Notice for Registration Procedures. For sex offenders being confined in a jail, the person having charge of the jail must notify the offender, in writing, of the registration requirements for convicted sex offenders at the time of the inmate's release from confinement. For offenders that are confined in a prison, the Department of Corrections (DOC) must provide written notice to an inmate, convicted of a sex offense, regarding the registration requirements at the time of the inmate's release from confinement.

Any time the sex offender registration requirements are changed, the state patrol is required to notify registered sex offenders, who are currently living back in the community, of the law changes.

Summary of Bill:

End of Duty to Register. The court may not relieve any person of the duty to register if the person has been convicted of an offense involving sexual intercourse with a victim through the use of force or threat of serious violence, an offense involving sexual intercourse with a minor under 12 years of age, a sex or kidnapping offense and has one or more prior convictions for such an offense, or has ever been determined to be a sexually violent predator or the equivalent in another jurisdiction.

The court may relieve a person of the duty to register for a sex or kidnapping offense that was committed while the person was under the age of fifteen if the person has not been adjudicated of any additional sex offenses or kidnapping offenses during the two-year time period after completion of his or her supervision period, whether it was local supervision or supervision by the Department of Social and Health Services

For sex offenders who are or were previously classified as a sexually violent predator, or the equivalent of a sexually violent predator in another jurisdiction, each quarter the county sheriff shall verify the offender's address. The county sheriff must send by certified mail, with return receipt requested, a non-forwarding verification form to the offender at the offender's last registered address.

Notice for Registration Procedures. The court is required to provide written notice to any defendant charged with a sex offense of the registration requirements if he or she is convicted and sentenced for the charge. Such notice must be included on any guilty plea forms, and judgment and sentence forms. In addition, the court must inform any defendant charged with a sex offense or kidnapping offense that, if

convicted, the defendant must register in any state in which the defendant will move, work, or attend school.

For sex offenders being confined in a jail, the person having charge of the jail must notify the offender, in writing, of the registration requirements for convicted sex offenders at the time of the inmate's release from confinement. For offenders that are confined in a prison, the DOC must provide written notice to an inmate convicted of a sex offense of the registration requirements at the time of the inmate's release from confinement. The registration notice given to all sex offenders being released from a local jail or the DOC must contain the penalties that an offender can be subject to if they move, work, or attend school in any other state without registering in that state.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill requires those sex offenders who have been classified as a sexually violent predator to register every 90 days for life. Sex offenders convicted of forcible compulsion, as well as those sex offenders and kidnappers who have multiple convictions, must also register for life.

When an individual crosses state lines for school, work, or even for a temporary change of job in another state, even though they may be still residing in this state, that person must also register in that state. The federal government would like to close the loop hole so that sex offenders are required to register where he or she is at on a regular basis rather than where he or she sleeps at night. This will ensure that citizens in those other areas will have equal protection as well.

Testimony Against: There is great concerns about the 90 day rule. There are some law enforcement officers that have caseloads of up to 1,000. If you had to verify every 90 days, this new law would make it impossible for a law enforcement agency to keep up. There are other law enforcement agencies that just have just one detective and it would be impossible to accomplish the federal government's goal. All the laws that the Legislature passes are well-intentioned, but if we do not have the ability to carry them out they have no value.

This act only requires law enforcement agencies to verify the addresses of those sex offenders who have been classified as a "sexually violent predator" every 90 days. To date, Washington has only released four offenders classified as "sexually violent" since 1990. All four of those offenders are on 24-hour surveillance by the Department of Corrections and local law enforcement agencies.

Testified: (In support) Victoria Roberts, Department of Corrections; and Bill Johnston, Community Trade and Economic Development.

(Opposed) Mike Patrick, Washington Association of Sheriffs and Police Chiefs.