

HOUSE BILL REPORT

SB 6341

As Passed House:

March 5, 2002

Title: An act relating to amending the judicial review of sex offender registration to comply with federal funding requirements.

Brief Description: Amending the judicial review of sex offender registration to comply with federal funding requirements.

Sponsors: By Senators Hargrove, Long, Winsley and Oke.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/22/02 [DP].

Floor Activity:

Passed House: 3/5/02, 96-0.

Brief Summary of Bill

- Prohibits courts from relieving any person convicted of an aggravated offense or more than one sexually violent offense from registering as a sex offender.
- Brings the state's sex offender registration statute into compliance with federal statute.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

Staff: Yvonne Walker (786-7841).

Background:

FEDERAL SEX OFFENDER REGISTRATION LAW:

In 1994 Congress passed the Jacob Wetterling Act (later amended in 1996 by the Lychner Act). 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. The act has been amended several times, imposing new requirements relating to sex offender registration. The basic requirements include the following:

- Requiring all offenders convicted of one or more aggravated offenses to register for life; and
- Requiring all sex offenders who have been convicted for one or more sexually violent offenses or a sex offense against a minor to register for life.

Any time the sex offender registration requirements are changed, the state patrol notifies registered sex offenders who are currently living in the community of the changes in the law. States were required to comply with the amended act by October 1999 or face an automatic 10 percent reduction in the Federal Byrne Formula Grant funding. Washington received an extension in order to come into compliance. Washington receives approximately \$10 million in Byrne grants per year. Each year the Byrne grant received by Washington helps provide funding to a number of various criminal justice programs throughout the state such as drug courts, narcotic task forces, and juvenile programs. Although Washington received an extension for making a good faith effort to come into compliance, a partial loss of funding due to being out of compliance with the federal statute could result in Washington losing approximately \$1.1 million in funding this fiscal year.

WASHINGTON SEX OFFENDER REGISTRATION LAW:

Under Washington's statute, only offenders that have been determined to be sexually violent predators or have been convicted of a class A felony sex offense that was committed with forcible compulsion, must register for life and may not be relieved of that duty to register by a court. However, in order to be in compliance with the federal statute and remain eligible for Byrne grant funding, all offenders convicted of one or more aggravated offenses or a sex offense against a minor must register for life. Some of these aggravated offenses and sex offenses against a minor include such crimes as: third degree rape of a child, first degree custodial sexual misconduct, first and second degree incest, and sexual exploitation of a minor. These particular crimes are not considered class A felonies and as a result are not required to register for life under Washington's statute.

In general, any person convicted of a class B or C felony aggravated offense may petition the superior court to be relieved of the duty to register if the person has spent 10 years in the community without being convicted of any new offense.

Aggravated Sex Offenses. An aggravated sex offense consists of various class A, B, and C felony offenses that include such adult offenses as the following:

- Any sex offense involving sexual intercourse or sexual contact where the victim is under 12 years old;
- First degree rape of a child or adult or first degree child molestation;

- Any of the following offenses (when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge of that person, a substance that substantially impairs the ability of that person to control conduct): second degree rape, indecent liberties, first degree custodial sexual misconduct, first and second degree incest, or sexual exploitation of a minor; and
- Any of the following offenses when committed by the offender administering, by threat or force or without the permission of that person, a substance that substantially impairs the ability of that person to control conduct, if the victim is between 12 and 15 years old and the offender is 18 years or older and is more than 4 years older than the victim: second degree rape of a child, third rape of a child, second degree child molestation, or third degree child molestation.

Summary of Bill:

A provision is added to the sex offender registration statute that requires any person convicted of an aggravated offense or more than one sexually violent offense to register for life and a court may not relieve that person of such duty to register. As a result, Washington will come in compliance with the federal statute until July 1, 2012, at which time the provision expires.

Appropriation: None.

Fiscal Note: Requested on February 19, 2002.

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

Testimony For: The Office of Community Development supports this bill and believes that this legislation will bring Washington into compliance with federal requirements. If Washington remains out of compliance its share of funding will be distributed to other states.

This bill will preserve the state's \$1.1 million in Byrne grant funding. Current funding is used to fund tribal enforcement, crime labs, domestic violence advocates, and reductions in drug crimes. The state cannot afford to lose this money.

Testimony Against: None.

Testified: Steve Wells, Office of Community Development; and Larry Erickson, Washington Association of Sheriffs and Police Chiefs.