

FINAL BILL REPORT

HB 1952

C 169 L 01

Synopsis as Enacted

Brief Description: Revising registration requirements for transient sex offenders and kidnapping offenders.

Sponsors: By Representatives Ballasiotes and O'Brien.

House Committee on Criminal Justice & Corrections
Senate Committee on Human Services & Corrections

Background:

Sex Offenders. Sex offenders released from the Department of Corrections, the Juvenile Rehabilitation Administration, and the Indeterminate Sentence Review Board are classified into one of three risk levels: I (low risk), II (moderate risk), or III (high risk). The lack of a fixed residence is a factor that may be considered in determining an offender's risk level. Notifications regarding the residence of sex offenders classified as a risk level III are generally distributed to the general public at large.

Although state law does not specify where a sex offender may live upon being released to the community, every adult and juvenile who has been adjudicated or convicted of a sex offense, or who has been found not guilty by reason of insanity of a sex offense, is required to register with the county sheriff of the person's residence. When registering, he or she must provide the following information: name, address, date and place of birth, place of employment, crime for which convicted, date and place of conviction, aliases used, social security number, photograph, and fingerprints.

A sex offender who ceases to have a fixed residence must also notify the sheriff of the county where he or she last registered within 14 days after ceasing to have a fixed residence and provide all of the otherwise required information except a photograph and fingerprints (unless the sheriff, for reasonable cause, requires a photograph and fingerprints). If the person intends to reside in another county, the sheriff must forward the information to the sheriff of the new county. An offender, lacking a fixed residence, who leaves the county in which he or she is registered, and enters and remains in a new county for 24-hours must, within those 24-hours, register with the new county sheriff and provide all of the required information.

A sex offender who is required to register, but does not have a fixed residence must report in person to the county sheriff and, instead of an address, provide information about where he or she plans to stay. Those sex offenders classified as risk level I must

report monthly to the county sheriff. Risk level II and III sex offenders must report weekly.

If a sex offender does not have a fixed residence, it is an affirmative defense to the charge of failure to register that he or she last registered within 14 days after ceasing to have a fixed residence and has subsequently complied with the registration requirements.

A person convicted of a felony sex offense who knowingly fails to register, or who moves without notifying the county sheriff, is guilty of a class C felony.

Jail Booking and Reporting System. The Washington Association of Sheriffs and Police chiefs (WASPC) must implement and operate a statewide central booking and reporting system by December 31, 2001. At a minimum the system must contain the following items:

- each offense for which an arrested individual is being charged;
- descriptive information about each offender such as the offender's name, vital statistics, address, and mugshot;
- any information about the offender while in jail that could be used to protect criminal justice officials who have future contact with the offender, such as medical conditions and behavior problems; and
- statistical data indicating the current capacity of each jail and the quantity and category of offenses charged.

Summary:

Sex Offenders. A sex offender who is required to register but does not have a fixed residence must report weekly, in person, to the county sheriff regardless of the offender's risk level classification. The weekly report shall be on a day specified by the county sheriff's office and must occur during normal business hours. The county sheriff may require the person to list the locations where he or she has stayed during the last seven days.

Any sex offender who ceases to have a fixed residence must also notify the sheriff of the county where he or she last registered within 48-hours, excluding weekends and holidays, after ceasing to have a fixed residence.

If a sex offender does not have a fixed residence, it is an affirmative defense to the charge of failure to register that he or she last registered within 24-hours after ceasing to have a fixed residence and has subsequently complied with the registration requirements.

The lack of a fixed residence is a factor that may be considered in determining the extent of distributing public disclosure information regarding an offender, and will make the offender subject to disclosure of information to the public at large similar to a risk level

III offender.

Jail Booking and Reporting System. The WASPC must implement the electronic state-wide city and county jail booking and reporting system by July 2002 that, along with other items, must include the date and time an offender is released or transferred from a city or county jail.

Votes on Final Passage:

House 94 0

Senate 49 0 (Senate amended)

House 89 0 (House concurred)

Effective: July 22, 2001