

HOUSE BILL REPORT

HB 1952

As Passed Legislature

Title: An act relating to registration of transient sex offenders and kidnapping offenders.

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

Sponsors: By Representatives Ballasiotes and O'Brien.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/21/01, 2/26/01 [DP].

Floor Activity:

Passed House: 3/9/01, 94-0.

Senate Amended.

Passed Senate: 4/10/01, 49-0.

House Concurred.

Passed House: 4/13/01, 89-0.

Passed Legislature.

Brief Summary of Bill

- Requires all transient sex offenders to report weekly to the county sheriff despite the offender's risk level classification.
- Requires sex offenders to report to the sheriff's department on a day specified by the sheriff's office and during normal business hours.
- Requires a transient sex offender to notify the sheriff of the county where he or she last registered within 48-hours after ceasing to have a fixed residence.
- Delays the implementation date for the state-wide jail booking and reporting system and expands the system to include more information regarding incarcerated offenders.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes,

Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kagi, Kirby and Morell.

Staff: Yvonne Walker (786-7841).

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).

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 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.

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.

The lack of a fixed residence is a factor that may be considered in determining an offender's risk level.

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 of Bill:

Sex Offenders. Any sex offender who is required to register but does not have a fixed residence must report weekly, in person, to the county sheriff despite 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 offenders classified as a risk level III.

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

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Many sex offenders register as transient because they do not want the community knowing where they live. Part of the reason that registration works is that it gives the community the opportunity to know who these sex offenders are and where they are living. In the state of Washington there are 15,500 registered sex offenders living among us, however if offenders register as transient it is harder to know where these offenders are living when they do not have a fixed residence. This bill goes a long way to help the local sheriff's office to know where these sex offenders live and it makes them subject to public notification at the highest level.

Testimony Against: This bill does not take into account those sex offenders who have served their time in prison and are successfully living back in the community crime-free. Some sex offenders live in terror because they are afraid that someone will harass them or, even worst, burn their house down. An amendment should be made to address those sex offenders who may temporarily lose their home.

Testified: (In support) Representative Ballasiotes, prime sponsor; Suzanne Brown, Washington Coalition of Sexual Assault Programs; and Detective Robert Shilling, Seattle Police Department.

(Opposed) Kathleen Swan, citizen.