

HOUSE BILL REPORT

HB 1161

As Passed House:

February 28, 2005

Title: An act relating to adding entities entitled to notification about sex offenders and kidnapping offenders.

Brief Description: Adding entities entitled to notification about sex offenders and kidnapping offenders.

Sponsors: By Representatives Buri, O'Brien, Walsh, Ericks, Darneille, McCoy, Clements, Serben, Pearson, Strow, Kristiansen, Moeller, Lovick, Simpson, Campbell, Tom, Morrell, Chase, Ahern, Newhouse, Armstrong, Woods, Sells and Ormsby.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/3/05, 2/10/05 [DP].

Floor Activity:

Passed House: 2/28/05, 87-0.

Brief Summary of Bill

- Authorizes law enforcement agencies to share information regarding sex and kidnapping offenders with public libraries.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Yvonne Walker (786-7841).

Background:

The Department of Corrections (DOC), the Juvenile Rehabilitation Administration (JRA), and the Indeterminate Sentence Review Board (ISRB), are required to classify all sex offenders released from their facilities into risk levels I (low-risk), II (moderate-risk), or III (high-risk) for the purposes of public notification. These releasing agencies must issue to appropriate law enforcement agencies narrative notices that contain the identity, criminal history behavior, and the risk level classification for each sex offender being released and, for level II and III offenders, the reasons underlying the classification.

Local law enforcement agencies are required to consider the state classification level when assigning their own level for public notification purposes. When a local jurisdiction assigns a different risk classification level than the one assigned by the releasing agency, the local jurisdiction must notify the releasing agency of its decision and its reasons for doing so.

Kidnapping offenders are not classified (like sex offenders) into one of the three risk levels unless the underlying kidnapping offense has some type of sexual motivation. The DOC, the JRA, and the ISRB provide the same notifications to the local law enforcement agencies regarding kidnapping offenders as they do for sex offenders.

Notice Dissemination. A public agency may release information to the public regarding a sex or kidnapping offender when the agency has determined that the disclosure is relevant and necessary to protect the public and counteract the danger posed by the offender. The extent of this disclosure must be rationally related to:

- the risk posed by the offender to the community;
- the location of the offender; and
- the need of the community for the information to enhance safety.

A law enforcement agency must consider certain guidelines when determining the extent of the disclosure depending on the risk level of the sex offender:

- For level I offenders, the agency must share the information with other law enforcement agencies and may share the information with: (1) victims; (2) witnesses; and (3) individual community members living near the offender.
- For level II offenders, the agency may also share the information with: (1) schools; (2) day care centers and providers; (3) businesses and organizations primarily serving children, women, or vulnerable adults; and (4) neighbors and community groups located near the offender.
- For level III offenders and sex offenders registered as homeless or transient, the agency may also share the information with the public at large.

The county sheriff, with whom an offender is classified as a level III offender, must publish sex offender community notification in at least one legal newspaper with general circulation in the area of the offender's registered address or location. In addition, the sheriff must publish a list of level III offenders in the county twice a year. The list must also be maintained on a publicly accessible web site that must be updated once a month.

Summary of Bill:

The statute that regulates the dissemination of community notifications of sex and kidnapping offenders is expanded. In addition to the other specified individuals and organizations as stipulated in statute, local law enforcement agencies may share information regarding level II and III offenders with public libraries.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill continues to do public disclosure notices of people who may be a hazard to other people in the community and especially to kids. There are communities that promote summer reading programs which often bring many kids into the library. The library is a gathering place and is a place where it is very easy to access pornography on computers. Libraries should be in that group of people that are notified of a sex offender residing in the area.

Testimony Against: None.

Persons Testifying: Representative Buri, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.