
Human Services Committee

HB 1259

Brief Description: Modifying juvenile sex and kidnapping offender registration provisions.

Sponsors: Representatives Appleton and Dickerson; by request of Sentencing Guidelines Commission.

Brief Summary of Bill

- Provides right to counsel for an indigent person seeking to petition the court for relief from the duty to register as a result of a sex offense or a kidnapping offense committed when he or she was a juvenile.
- Requires the Washington State Patrol, at least annually, to provide notice to registered sex or kidnapping offenders, whose offenses were committed when they were juveniles, of the ability to petition for relief from.

Hearing Date: 1/26/09

Staff: Linda Merelle (786-7092)

Background:

A person who was convicted of a sex or kidnapping offense a juvenile and who has a duty to register may petition the superior court to be relieved of that duty. If the petitioner was under the age of 15 when the offense was committed, the petitioner must demonstrate that he or she has not been adjudicated of any additional sex or kidnapping offenses during the 24 months following the adjudication of the offense and prove by a preponderance of the evidence that future registration of the petitioner will not serve the purposes of the registration requirement, which is to protect the community, aid law enforcement in investigating sex crimes, and to apprehend sex offenders.

If a juvenile was 15 or older when the offense was committed, the petitioner must show by clear and convincing evidence that future registration of the petitioner will not serve the purposes of registration.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person does not have the right to appointed counsel when petitioning the court for relief from the duty to register as a sex offender for offenses committed as a juvenile.

Summary of Bill:

The Washington State Patrol, in addition to its obligation to notify registered sex and kidnapping offenders of any change to registration requirements, must annually notify offenders, who committed their offenses when they were juveniles, of their right to petition the court for relief. A person seeking to petition the court for relief from the duty to register as a sex offender will have the right to appointed counsel.

Appropriation: None.

Fiscal Note: Available.

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