
Human Services Committee

HB 2945

Brief Description: Concerning petitions for relief from the duty to register for sex offenders and kidnapping offenders.

Sponsors: Representative Dickerson.

Brief Summary of Bill

- Permits a court to grant a petition for relief from the duty to register for a sex or kidnapping offense committed as a juvenile even if at the time of the petition the person has one prior conviction for Failure to Register and has not spent 10 years in the community without any new offenses.

Hearing Date: 1/27/10

Staff: Linda Merelle (786-7092).

Background:

Both juveniles and adults convicted of a sex offense or kidnapping offense are required to register with the county sheriff for the county of the person's residence. The statutes set forth a scheme under which the duty to register for a sex offense or kidnapping offense ends. For persons convicted of a class A offense, a sexually violent offense, or offenses against a minor, there is no statutory expiration. The person may only be relieved of the duty to register by petitioning the court. The court may grant the petition if the petitioner shows by clear and convincing evidence that future registration is not required.

For a class B felony without prior convictions for a sex offense or kidnapping offense, the duty to register ends 15 years after release from confinement if the person has spent 15 years in the community without being convicted of any new offense. For a class C felony, or an attempt, solicitation, or conspiracy to commit a class C felony (gross misdemeanor) and no prior sex or kidnapping offenses, the person must spend 10 years in the community without being convicted of any new offenses.

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.

Unless prohibited by statute, a person required to register may petition the court for release from the duty if the person has spent 10 years in the community with no new offenses. He or she must present clear and convincing evidence that registration is no longer required.

Persons who have been determined to be a sexually violent predator, or who have been convicted of certain sexually violent offenses may not be relieved of the duty to register.

Offenses Committed as Juveniles.

An offender required to register for an offense committed as a juvenile may petition the court to be relieved of that duty. The court must consider the nature of the offense, the relevant criminal and noncriminal behavior and may consider other factors. If the juvenile was 15 years or older when he or she committed the offense, the petitioner must show clear and convincing evidence that future registration no longer serves the purpose of registration requirements. If the juvenile was younger than 15 when he or she committed the offense, the juvenile must show that he or she has not been adjudicated of any additional sex offenses or kidnapping offenses during the 24 months following the adjudication which requires registration, and the juvenile must prove by a preponderance of the evidence that future registration will not serve the purpose of the registration requirements. These provisions do not apply to juveniles prosecuted as adults.

If a juvenile is convicted of Failure to Register as a result of a juvenile conviction, he or she must wait 10 years before a court will consider a petition to be relieved of the duty to register.

Summary of Bill:

Under the terms of this act, a person may petition the court to be relieved of the duty to register for a sex or kidnapping offense committed as a juvenile. The court is expressly permitted to grant the petition if the person has met his or her burden of proof, even if the he or she has one prior conviction for Failure to Register and 10 years have not yet lapsed since the conviction.

This provision applies only if the person committed his or her offense as a juvenile and only if he or she has only one conviction for Failure to Register. If the person has more than one conviction, he or she must spend at least 10 years in the community without being convicted of any new offenses before the court may grant a petition for relief.

Appropriation: None.

Fiscal Note: Requested on January 22, 2010.

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