

SENATE BILL REPORT

SSB 5326

As Passed Senate, March 5, 2009

Title: An act relating to notice to individuals convicted of a sex offense as a juvenile of their ability to terminate registration requirements.

Brief Description: Concerning notice to individuals convicted of a sex offense as a juvenile of their ability to terminate registration requirements.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senator Regala; by request of Sentencing Guidelines Commission).

Brief History:

Committee Activity: Human Services & Corrections: 1/20/09, 2/03/09 [DPS].

Passed Senate: 3/05/09, 47-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5326 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: A sex or kidnapping offender who committed his or her crime as a juvenile may petition the superior court to be relieved of the duty to register. The court must consider the nature of the offense committed by the petitioner as well as relevant conduct by the petitioner since the date of the offense. Standards differ depending on how old the petitioner was when the crime was committed.

- If the petitioner was 15 or older, the petitioner must show by clear and convincing evidence that future registration will not serve the interests of public safety.
- If the petitioner was under the age of 15 when the crime was committed, the court may relieve the petitioner of the duty to register if that person has not committed another sex offense for two years and can show by a preponderance of the evidence that future registration will not serve the interests of public safety.

This provision does not apply to a juvenile prosecuted as an adult.

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.

Summary of Substitute Bill: No less than annually, the Washington State Patrol (WSP) must notify sex and kidnapping offenders who committed their crime as a juvenile of their ability to petition for relief from registration. The WSP may combine the notice with the annual notice that it already sends out.

Appropriation: None.

Fiscal Note: Requested on January 16, 2009.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill was a recommendation of the Juvenile Justice Subcommittee of the Sentencing Guidelines Commission. Many sex offenders who were convicted as juveniles do not know that they have this right. It impacts their ability to find employment and housing, and often subjects them to harassment. If they have been doing what they are supposed to do and have no new offenses, they should be able to get assistance in terminating their registration requirements. Many public defenders do not even inform juveniles of their right to do this at some point in the future.

The Washington Association of Sheriffs and Police Chiefs (WASPC) and the Washington Association of Prosecuting Attorneys are supportive of these individuals getting notice of their rights, but are very concerned about the fiscal impact of providing counsel. Hearings would also require cost of review by certified treatment provider and polygraph. The counties simply can't absorb these costs right now.

Persons Testifying: PRO: Senator Debbie Regala, prime sponsor; Jean Soliz-Conklin, Sentencing Guidelines Commission; Joanna Arlow, WASPC; Michele Shaw, Washington Association of Criminal Defense Lawyers/Washington Defenders Association; Dan Satterberg, King County Prosecuting Attorneys; Russ Hauge, Kitsap County Prosecuting Attorneys.