

HOUSE BILL REPORT

EHB 2424

As Amended by the Senate

Title: An act relating to compliance with federal standards for monitoring sex offenders.

Brief Description: Changing provisions to comply with federal standards for monitoring sex offenders.

Sponsors: Representatives Ballasiotes and O'Brien; by request of Department of Community, Trade, and Economic Development and Department of Corrections.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/1/00, 2/4/00 [DP].

Floor Activity:

Passed House: 2/10/00, 97-0.

Senate Amended.

Passed Senate: 3/1/00, 44-0.

Brief Summary of Bill
<ul style="list-style-type: none">· Requires sexually violent predators to register as a sex offender for life.• Requires law enforcement officers to verify the address of sex offenders, classified as sexually violent predators every 90 days by mail.• Requires sex offenders that are working or attending school in a different state, other than their residence, to also register in the state where they happen to be working or attending school.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

Background:

In 1994, Congress passed the Jacob Wetterling Act, 42 U.S.C. Section 14071. The act contains a financial incentive to encourage states to adopt registration procedures for all persons convicted of sex offenses and kidnaping offenses where the victim is a minor. States are required to comply with the amended act by November 2000 or face an automatic 10 percent reduction in federal Byrne Formula Grant funding.

Since the enactment of the Jacob Wetterling Act, Congress has also passed Megan's Law, the Violent Crime Control and Law Enforcement Act, the Pam Lychner Act and the Commerce, Justice, State, and Appropriations Act (CJSA) all which have made several amendments to the original federal statute. Due to the federal amendments, Washington is now out of compliance with the federal statute and, as a result, needs to amend its statute in order to come into compliance with the new federal requirements. Those requirements include the following:

- requiring all offenders classified as sexually violent predators to register for life;
- requiring all sex offenders, convicted of a sex offense involving sexual intercourse with a victim through the use of force or threat or serious violence, to register for life;
- requiring all sex offenders, convicted of a crime involving sexual intercourse with a minor under 12 years of age, to register for life;
- requiring all sex offenders, who have one prior conviction for a sex offense in their criminal history (and they are currently being convicted "again" for a new offense), to register for life;
- requiring county sheriffs to verify sexually violent predators' registered address every 90 days; and
- requiring sex offenders who work or attend school in another state to also register in that new state as well as their state of residence.

Washington receives approximately \$10 million in Byrne grants per year. A partial loss of funding, due to being out of compliance with the federal statute, could result in Washington losing \$1 million in funding this fiscal year.

End of Duty to Register. A sex offender who has been convicted of a class A felony or a person who has been convicted of one or more prior convictions for a sex offense may petition the court to be relieved of the duty if the person has spent 10 consecutive years in the community without being convicted of any new offenses. The petition must be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions that took place outside of the Washington court system, the petition must be made to the court in Thurston county.

Address Verification. Each year the chief law enforcement officer must attempt to verify the sex offender's registered address by mailing a non-forwarding verification form to the last registered address. The offender must sign, verify his or her address, and return the form within 10 days.

If the offender fails to return the verification form or the offender is not at the last registered address, the chief law enforcement officer must promptly forward this information to the county sheriff and the Washington State Patrol for inclusion in the central registry of sex offenders.

Offenders Working or Attending School in Another State. Any person required to register as a sex offender in Washington, who also works or attends school in another state, is only required to register in his or her state of residence.

Notice for Registration Procedures. Local jails must give notice to the county sheriff and police chief any time a person convicted of a sex offense is discharged or released and that person will reside in a county other than the county of conviction.

Any time the sex offender registration requirements are changed, the state patrol is required to notify registered sex offenders, who are currently living back in the community, of the law changes.

Summary of Bill:

Sexually violent predators and offenders convicted of certain other sex offenses, are required to register for life. In addition, law enforcement officers are required to verify the address of sexually violent predators every ninety days.

End of Duty to Register. The court may not relieve a person of the duty to register if the person has:

- been determined to be a sexually violent predator; or
- been convicted of a sex offense or kidnapping offense that is a class A felony and that was committed with forcible compulsion.

After fifteen years, such offender may petition the court to be exempted from any community notification requirements if he or she has lived in the community crime-free. The person will continue to register indefinitely however public notifications will not be required.

Address Verification. The county sheriff must verify by mail the address of each sexually violent predator in their jurisdiction every ninety days.

Offenders Working or Attending School in Another State. Any person required to register as a sex offender in Washington, who also works or attends school in another state, must register in both states (the state of residence as well as the state he or she is currently working or attending school). Each offender must register his or her address, fingerprints, and a photograph with the new state within ten days of beginning school or employment.

Any person who moves to a new state must register a new address, fingerprints, and a photograph with the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington.

All registration material submitted to the county sheriff must promptly be forwarded to the Washington State Patrol.

Any person who moves within the state without notifying the county sheriff is guilty of a class C felony.

Notice for Registration Procedures. Local jails must give notice to the county sheriff and police chief any time a person convicted of a kidnapping offense is discharged or released and that person will reside in a county other than the county of conviction.

EFFECT OF SENATE AMENDMENT(S): Those sex offenders required to register indefinitely are limited to sexually violent predators and those convicted of a sex offense that is a class A felony and that was committed with forcible compulsion. All other sex offenders convicted of a sex offense 1) involving sexual intercourse with a victim through the use of force or threat or serious violence, 2) involving sexual intercourse with a minor under 12 years of age, or 3) who have one prior conviction for a sex offense in their criminal history (and they are currently being convicted "again" for a new offense), are eliminated from the requirements to register for life.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill requires those sex offenders who have been classified as a sexually violent predator to register every 90 days for life. Sex offenders convicted of forcible compulsion, as well as those sex offenders and kidnappers who have multiple convictions, must also register for life.

When an individual crosses state lines for school, work, or even for a temporary change of job in another state, even though they may be still residing in this state, that person must also register in that state. The federal government would like to close the loop hole so that sex offenders are required to register where he or she is at on a regular basis rather than where he or she sleeps at night. This will ensure that citizens in those other areas will have equal protection as well.

Testimony Against: There is great concerns about the 90 day rule. There are some law enforcement officers that have caseloads of up to 1,000. If you had to verify every 90 days, this new law would make it impossible for a law enforcement agency to keep up. There are other law enforcement agencies that just have just one detective and it would be impossible to accomplish the federal government's goal. All the laws that the Legislature passes are well-intentioned, but if we do not have the ability to carry them out they have no value.

This act only requires law enforcement agencies to verify the addresses of those sex offenders who have been classified as a "sexually violent predator" every 90 days. To date, Washington has only released four offenders classified as "sexually violent" since 1990. All four of those offenders are on 24-hour surveillance by the Department of Corrections and local law enforcement agencies.

Testified: (In support) Victoria Roberts, Department of Corrections; and Bill Johnston, Community Trade and Economic Development.

(Opposed) Mike Patrick, Washington Association of Sheriffs and Police Chiefs.