

# HOUSE BILL ANALYSIS

## HB 2979

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**Brief Description:** Strengthening juvenile sex offender registration.

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**Sponsors:** Representatives Ruderman and Ballasiotes.

**Hearing:** February 2, 2000

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

#### **BACKGROUND:**

Adult and juvenile sex and kidnaping offenders must register within 24 hours after their release from confinement with the sheriff of the county where they reside, or if the person is not a Washington resident, the county of their school or employment. They also must register within specified time limits each time they move. Offenders must provide their name, address, date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases used, social security number, photograph, and fingerprints. Failure to register is a crime.

The seriousness of the offense determines the length of time the offender must continue to register. For class C felonies and gross misdemeanor sex offenses that are subject to registration, the duty to register ends 10 years after release from confinement if the offender hasn't been convicted of any new offenses during that time. For class B felonies, the duty to register ends 15 years after release from confinement if the offender hasn't been convicted of any new offenses during that time. Persons who have been convicted of a class A felony, or who have one or more prior sex or kidnaping offenses, may only be relieved of the duty by petitioning the court.

A person who has the duty to register for an offense committed when the offender was a juvenile may petition the court to be relieved of that duty. The court must consider the nature of the offense committed, criminal and relevant noncriminal behavior, and other factors. The court may relieve the offender of the duty to register in the following circumstances:

- (1) if the offense was committed when the offender was 15 or older, only upon a showing by clear and convincing evidence that registration no longer meets the statutory purposes;
- (2) if the offense was committed while the offender was under the age of 15, only if the offender was not adjudicated of any additional sex or kidnaping offenses in the two years since the original adjudication, and the offender proves by a preponderance of the evidence that registration no longer meets the statutory purposes.

The Department of Social and Health Services (DSHS) is required to assess and classify sex offenders being released from the department's juvenile rehabilitation facilities as risk level I, II, or III. (The Department of Corrections and the Indeterminate Sentence Review Board perform the same function for adults under their respective jurisdictions.) They are also required to issue narrative notices regarding the pending release of these offenders to local law enforcement agencies. The notices must include the risk level classification for the offender and, for level II and III offenders, the reasons for the classification. Local law enforcement agencies must consider these risk level determinations, then assign their own risk level classifications for offenders about whom information will be released.

#### **SUMMARY OF BILL:**

The court may relieve an offender (other than an offender classified as risk level III) who is required to register as a result of an offense committed while the offender was a juvenile under the following circumstances:

- (1) if the offense was committed when the offender was 13 or older, only upon a showing by clear and convincing evidence that registration no longer meets the statutory purposes;
- (2) if the offense was committed while the offender was under the age of 13, only if the offender was not adjudicated of any additional sex or kidnaping offenses in the two years after completion of the offender's supervision by the DSHS and the offender proves by a preponderance of the evidence that registration no longer meets the statutory purposes.

An offender who has been classified as risk level III by DSHS may not be relieved of the duty to register.

**FISCAL NOTE:** Requested on February 1, 2000.

**EFFECTIVE DATE:** Ninety days after adjournment of a session in which bill is passed.