

SENATE BILL REPORT

HB 2086

As Reported By Senate Committee On:
Human Services & Corrections, March 30, 2001

Title: An act relating to compliance with federal standards for lifetime registration for certain sex offenders.

Brief Description: Bringing state law into compliance with federal standards for lifetime registration for certain sex offenders.

Sponsors: By Representatives O'Brien, Ballasiotes, Lovick, Kenney and Conway; by request of Department of Community, Trade, and Economic Development.

Brief History:

Committee Activity: Human Services & Corrections: 3/28/01, 3/30/01 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Staff: Fara Daun (786-7459)

Background: Federal sex offender registration law was originally modeled on Washington's sex offender registration law with a few structural differences. The federal law conditions receipt of 10 percent of a state's Byrne Grant funds on compliance with the federal law. As federal law has been amended, Washington has made amendments to bring our law into compliance. Because the federal definitions in the Wetterling Act do not match Washington definitions, there are a number of offenses that do not require lifetime registration in Washington that do require it under the federal law. Lifetime registration under the federal law does not have a possibility of judicial relief under any circumstances.

Summary of Amended Bill: The Legislature intends to amend the registration times so that the statute is narrowly tailored to meet the requirements of the Wetterling Act. Persons convicted of an aggravated offense or two or more sexually violent offenses or criminal offenses against a minor, as defined, are subject to lifetime registration and may only be relieved by the court upon a petition and showing, by clear and convincing evidence, that further registration will not further the purposes of the registration statutes. A person may not petition for relief until the person has been in the community with no convictions for any new offense for ten years. This lifetime registration provision applies to crimes committed after the effective date of the act. After 15 years in the community with no convictions for a new offense, persons subject to this lifetime registration requirement may petition the court for relief from community notification.

Amended Bill Compared to Original Bill: The new lifetime without relief provision is changed to lifetime with the potential of judicial relief under the current standard, which is clear and convincing evidence that further registration will not further the purposes of the registration statute.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: If we don't comply with the federal requirements, law enforcement in the state may lose approximately \$1 million in state Byrne Grant funds. Such a reduction would mean a reduction in services. Law enforcement desperately need these funds.

Testimony Against: None.

Testified: Paul Perz, Office of Community Development (pro); Larry Erickson, Washington Association of Sheriffs and Police Chiefs (pro).