

HOUSE BILL REPORT

HB 3238

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to prohibiting the distribution of false sex offender notifications.

Brief Description: Prohibiting the distribution of false sex offender notifications.

Sponsors: Representatives Simpson, Lantz, Wallace, Morrell, Kilmer, Green, Springer, Dunshee, P. Sullivan, Quall, B. Sullivan, Grant, Appleton, Williams, Darneille, O'Brien, Haler, Clibborn, Hunt, Lovick, Hasegawa, McDermott, Rodne, Moeller, Kessler, Strow, Fromhold, Sells and Ericks.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/31/06 [DPS].

Brief Summary of Substitute Bill

- Makes it illegal to distribute, under certain circumstances, a false sex offender community notification bulletin.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Staff: Jim Morishima (786-7191).

Background:

In 1990, the Legislature enacted the Community Protection Act, which created one of the first sex offender registration laws in the country. A person convicted of a sex or kidnapping offense must register with the county sheriff of the county in which he or she resides. An offender must provide a variety of information when registering including his or her name, address, date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases, Social Security number, photograph, and fingerprints. The offender must also notify the county sheriff if he or she is enrolled in a public or private school or in an institution of higher education. Failure to meet the registration requirements is an unranked class C felony.

Law enforcement agencies are authorized to release information regarding registered sex offenders based on the offenders' risk level. For example, for risk level I offenders (evaluated as the lowest level of risk within the larger community), a law enforcement agency may only disclose information about the offenders to specified persons and entities; e.g., schools, victims, witnesses. In contrast, for risk level III offenders (evaluated as the most risky to the community), a law enforcement agency may disclose information about the offenders to the public at large.

Summary of Substitute Bill:

A person is guilty of distributing a false sex offender community notification bulletin if he or she, with the intent to alarm, harass, or intimidate any other person, distributes information designed to resemble a sex offender community notification bulletin knowing that it is not such a bulletin. "Sex offender community notification bulletin" is defined as a bulletin created by law enforcement for the purpose of notifying the public about a registered sex offender. Distributing a false sex offender community notification bulletin is an unranked class C felony, punishable by zero-12 months in jail.

Substitute Bill Compared to Original Bill:

The substitute bill contains different intent language than the original.

Appropriation: None.

Fiscal Note: Requested on January 28, 2006.

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

Testimony For: Thousands of people in this state received fake sex offender notifications informing them that a dangerous sex offender lives in their neighborhoods. However, this information was untrue. It is wrong to alarm the public more than is necessary about sex offenders. The public should be aware of actual offenders in the area, but to send out false information is wrong. Similar to the prohibition against shouting fire in a crowded theater, you should not be able to send out false sex offender notification bulletin.

Testimony Against: None.

Persons Testifying: Representative Simpson, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.