

# SENATE BILL REPORT

## SB 5094

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As of February 6, 2013

**Title:** An act relating to requiring notification of sex offenders attending schools.

**Brief Description:** Requiring notification of sex offenders attending schools.

**Sponsors:** Senators Pearson, Rivers, Roach, Padden, Benton, Bailey, Carrell, Becker, Holmquist Newbry, Litzow, Sheldon, Honeyford, Dammeier, Parlette, Smith, Braun and Hewitt.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/01/13, 2/06/13.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Katherine Taylor (786-7434)

**Background:** Any adult or juvenile residing, attending school, or working in the state of Washington, whether or not they have a fixed address, who has been found to have committed or been convicted of, or found not guilty by reason of insanity of any sex offense or kidnapping offense must register as a sex offender.

Sex offender risk classifications are broken down as follows:

Level I – Low Risk to the Community.

- Offense is committed in a family setting; and
- Overall the offender is a low risk to the general public.

Level II – Moderate Risk to the Community.

- Crime occurred outside the family;
- Victim was not a blood relative;
- Offender may or may not have successfully completed a treatment program;
- Commission of multiple offenses;
- Offender poses a risk to the general community who resides in the immediate proximity to the offender; and
- Offender has predatory tendencies exhibited by involving themselves into families or communities, providing opportunity to groom victims.

Level III – High Risk to the Community.

- Offender exhibits predatory tendencies;
- Criminal history of repeated sexual offenses or acts which may or may not have included violence;

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- Offender has not completed a treatment program;
- Criminal acts directed towards strangers and the general public;
- Offender expresses intentions or desires to continue committing offenses;
- Assessed to meet violent sexual predator criteria; and
- Criminal acts directed towards individuals with whom they are in a relationship with.

**Summary of Bill:** Requires a sheriff, upon receiving notice from a registered sex offender that the offender will be attending or employed by a school or institution of higher education, to promptly notify the school district and principal or the institution's department of public safety, and provide the school or department with information about the registered sex offender, including the sex offender's sentence imposed for conviction.

Upon notice that a person, who must register as a risk level I or unclassified sex offender, plans to attend a school, the school district or the department of public safety, must make the following notifications:

- provide the information received only to personnel who should be aware of the student's record for security purposes, in the judgment of the school district, the school principal, or the department of public safety.

Upon notice that a person, who must register as a risk level II or III sex offender, plans to attend a school, the school district or the department of public safety, must make the following notifications:

- provide the information received to the student's teachers and to any other personnel who, in the judgment of the school district, the school principal, or department of public safety, supervises the student or for security purposes should be aware of the student's record;
- notify parents, legal guardians, students who are 18 years of age or older, and any personnel who may observe or come into contact with the student, including school administrators, teachers, staff persons, bus drivers, security staff, coaches, playground supervisors, and maintenance personnel;
- provide the notice required, in writing, at the beginning of the school year and at any time a new student who is required to register as a sex offender enrolls in or arrives at the school or institution to attend classes. The school district or department of public safety must also provide the notice by e-mail, if available. The notice provided must include the name of the student required to register as a sex offender, the crime of conviction, the sentence imposed, and an internet link, if available, to a local law enforcement agency web site where interested persons may seek further information about registered sex offenders; and
- any information received by a school district, principal, or school personnel under this act is confidential and may not be further disseminated except as provided in specific circumstances, other statutes or case law, or the family and educational and privacy rights act.

School districts must collect the residential addresses and email addresses of parents, legal guardians, students who are 18 years of age or older, and school district personnel. School districts must collect this information prior to the beginning of the school year and at any time a student enrolls in a school in the district or an employee is hired by the school district.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: We have to balance the interests of students in schools and juvenile sex offenders. If you advance the bill, please include private schools.

CON: We do not support this bill. This bill is in conflict with current policies. Juvenile offenders should be treated differently than adult offenders. Juveniles sometimes make bad choices and get punished long after. Juvenile sex offenders deal with bullies. This bill will not help, it will just embarrass juvenile offenders more. Kids can pull up information about juvenile sex offenders in class. Sometimes juvenile sex offenders' families receive death threats. Making sex offender information public may cause juvenile offenders to drop out of school and become suicidal. Almost all juvenile sex offenders are unlikely to reoffend.

OTHER: We are concerned about notification. Not everyone provides email addresses. We already have model policies in place. Multiple notifications will be needed per sex offender. Students will transfer because parents will not want their kids around or associated with sex offenders. There will be a disruption of school. We need a safety plan for level II sex offenders. We do not advocate notifying all people. Since Washington developed the first sex offender management system, we now know that most juvenile sex offenders never reoffend. Juveniles are different and should be treated differently. Treatment of juvenile sex offenders is very effective. Schools should just follow the Superintendent of Public Instruction's model policy. Notification should be left to law enforcement.

**Persons Testifying:** PRO: Donna Christensen, Catholic Conference.

CON: Dan Knoepfler, WA Assn. for the Treatment of Sexual Abusers.

OTHER: Lonnie Johns-Brown, WA Coalition of Sexual Assault Programs; Marie Sullivan, WA State School Directors' Assn.; Jerry Bender, Assn. of WA School Principals; Bev Emery, Sex Offender Policy Board.