
Higher Education Committee

HB 2783

Brief Description: Protecting public safety by authorizing certain educational institutions to impose reasonable restrictions on registered sex and kidnapping offenders enrolled at those institutions.

Sponsors: Representatives McDonald, Irwin and Van Werven.

Brief Summary of Bill

- Authorizes a community or technical college (CTC) to impose reasonable restrictions on level III registered sex offenders enrolled in the CTC, including prohibiting the student from enrolling in courses where minors will be enrolled and restricting the student's access to certain campus facilities.
- Authorizes a CTC to notify the teacher and other students enrolled in the course or program of the name of a level III registered sex offender who is attending traditional, in person classes.

Hearing Date: 1/30/18

Staff: Trudes Tango (786-7384).

Background:

Sex Offender Registration.

Any adult or juvenile who is residing, is a student, or is employed in Washington who has been found to have committed or has been convicted of a sex or kidnapping offense must register with their local county sheriff. The length of time an offender must register depends on the offense for which the offender was convicted and whether the offender has any prior offenses.

Community Notification and Public Disclosure.

Registered offenders are classified according to risk levels I, II, and III based on risk to re-offend in the community (low, moderate, and high risk, respectively). Law enforcement agencies responsible for disseminating information regarding registered offenders must assign risk level

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

classification to offenders and make a good faith effort to notify the public and residents within a reasonable period of time after the offender registers.

The Washington Association of Sheriffs and Police Chiefs maintains a statewide website to publish information about level II and level III sex and kidnapping offenders, and in some circumstances, level I offenders. Beyond information published on the statewide website, a law enforcement agency may release information to the public regarding registered offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public.

Sex offender registration and community custody requirements are distinct and separate policies. For example, a requirement that an offender not have contact with minors is part of the offender's conditions of community custody, rather than based on the offender's risk classification. For most sex offenders, the requirement to register will exist for a longer time period than their term in community custody.

Notification to Institutions of Higher Education.

Any adult or juvenile who is required to register under the sex offender registry law must notify the county sheriff within three business days prior to the person arriving at an institution of higher education to attend classes, or prior to starting work at an institution of higher education, or after any termination of enrollment or employment at the institution of higher education.

Upon receiving notice that a registered sex or kidnapping offender will be attending or will be employed at the institution, the sheriff must promptly notify the institution and must provide the person's name and aliases, residential address, date of birth, crimes for which convicted, photograph, risk classification, and other information.

Regarding level III offenders, the institution must disclose the information received from the sheriff to every teacher of the student and to any other personnel who, in the judgement of the institution, supervises the student or for security purposes should be aware of the student's record. The sheriff must notify the institution whenever the student's risk classification changes. Information received by the school is confidential and may not be disseminated except as allowed under other state or federal law.

Community and Technical Colleges (CTC).

State law provides that CTCs maintain an "open-door policy" to the end that no student will be denied admission because of the location of the student's residence or because of the student's educational background or ability, and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body. The statutes also provide that the administrative officers of the CTC may deny admission to a prospective student or attendance of an enrolled student if, in their judgment, the student's presence or conduct creates a disruptive atmosphere within the college not consistent with the purposes of the institution.

Summary of Bill:

When a public CTC receives notice under the registered sex offender laws regarding the enrollment of a student who is a registered sex or kidnapping offender classified as a risk level

III, the CTC may impose reasonable restrictions on the student to protect the safety of other students, teachers, and personnel at the college. Restrictions may include:

- prohibiting the student from enrolling in courses or programs where minors will be enrolled or present;
- requiring the student to enroll in online or remote learning courses where he or she will not have in person contact or interactions with other students or teachers; or
- prohibiting or restricting the student's access to certain campus facilities or areas where minors or other vulnerable persons regularly congregate.

If a CTC authorizes a registered sex or kidnapping offender classified as a risk level III to attend traditional, in person classes, the college may notify the teacher and other students enrolled in the course or program of the name and risk classification of the student. Notice must be made in a form likely to be received and read by teachers and students.

Appropriation: None.

Fiscal Note: Requested on January 24, 2018.

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