
Public Safety Committee

HB 1080

Brief Description: Creating a domestic violence offender registry.

Sponsors: Representatives Klippert and Eslick.

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| <p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires the Washington State Patrol to establish and maintain a serious domestic violence offender registry that is searchable by the public. |
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Hearing Date: 1/28/19

Staff: Omeara Harrington (786-7136).

Background:

Criminal History Information and Offender Registries.

The Washington State Patrol (WSP) is the state's central repository for criminal history record information (CHRI), including fingerprint-based records and disposition information submitted by law enforcement agencies and courts throughout the state. Criminal justice agencies may request and receive unrestricted CHRI from the WSP for criminal justice purposes. The public may also request and receive limited categories of CHRI for non-criminal justice purposes, including conviction information, information on arrests less than one year old with dispositions pending, and information regarding registered sex or kidnapping offenders.

The WSP also maintains Washington's central registry of sex and kidnapping offenders. A person who has been convicted of a sex or kidnapping offense must register with the sheriff in the county in which he or she resides and must provide the sheriff with a variety of location and identification information. The sheriff must forward registration information, including the offender's risk level and notice of any address changes, to the WSP for inclusion in the registry. Information on registered sex and kidnapping offenders is available to the public.

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.

In addition to the public registry of sex and kidnapping offenders, the WSP maintains a felony firearm offense conviction database of felony firearm offenders. Firearm offenders are persons who have been convicted or found not guilty by reason of insanity in this state of various felony firearm offenses, and have been ordered by the court to register for inclusion in the database. The database of registered felony firearm offenders is only for law enforcement purposes and is not subject to public disclosure.

Domestic Violence Offenses.

A crime of domestic violence is a crime committed by one family or household member against another. As defined in statute, "family or household members" include current or former spouses, persons with a child in common, adults who are related by blood or marriage, adults who currently live together or have lived together in the past, persons 16 or older who have or have had a dating relationship, and persons who have a legal or biological parent-child relationship, including stepparents and stepchildren, and grandparents and grandchildren. Statute contains a nonexhaustive list of offenses which, if committed by one family or household member against another, qualify as domestic violence offenses.

Summary of Bill:

The WSP must maintain a central registry of serious domestic violence offenders. The registry must be made available to the public through a searchable website.

Qualification for and Contents of the Registry.

When a person is convicted of a qualifying domestic violence offense, the sentencing judge must enter an order designating the offender as a serious domestic violence offender and requiring that the person appear on the serious domestic violence offender registry. A "qualifying domestic violence offense" is a an offense for which domestic violence was pleaded and proven, and that is either: (1) a felony offense; or (2) a nonfelony domestic violence offense committed by a person who has a simultaneous or previous conviction for a domestic violence offense.

Upon entry of a conviction of a qualifying domestic violence offense, the clerk of the court must forward the judgment and sentence and related information to the WSP for inclusion in the serious domestic violence offender registry. To the extent such information is available, the court must forward, and the WSP registry website must contain, the following information for each registered offender:

- name;
- date of birth;
- all domestic violence convictions, including dates of the convictions and the county or state in which they took place;
- address by hundred block;
- photograph; and
- any other identifying data the WSP deems necessary for the public to identify the person.

Required Period of Registration.

Timelines are established for which a serious domestic violence offender must appear on the registry. If the qualifying offense or a previous domestic violence offense was a class A felony, the offender must appear on the registry indefinitely. If the qualifying offense or a previous

domestic violence offense was a class B felony, the offender must appear on the registry for 15 years. If none of the current or prior domestic violence offenses at issue were class A or class B felonies, the offender must appear on the registry for 10 years. The offender must spend the requisite period of time in the community, after any term of confinement, without any domestic violence or felony conviction.

Removal from the Registry.

Procedures are outlined under which a registered person may be removed from the registry. If the required registration timeline has run, the registered person may ask the WSP to be removed, or the WSP may remove the person on its own initiative. The registered person may also petition the court for removal when he or she has spent 10 consecutive years in the community without being convicted of a felony or domestic violence offense. The burden of proof is on the petitioner and is clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal. If the person's appearance on the registry is based solely upon one or more juvenile offenses, the person may request removal after five years if registration is based on a class A felony offense, or after 24 months if the offense or offenses for which the person is registered are not class A felonies. In such circumstances, the burden of proof is a preponderance of the evidence.

In deciding a petition for removal, the court is given several factors to consider, including: the nature of the offenses; subsequent criminal history; compliance with supervision; length of time since the offenses occurred; input from law enforcement and other criminal justice professionals; stability factors such as housing, employment, and personal support network; risk assessments; and any other factors the court deems relevant.

Apart from the process of removing a person entirely from the registry, if the registered person's entry on the registry lists an offense for which the conviction is subsequently overturned, or otherwise set aside by court order on grounds consistent with innocence, the court may order removal of that particular offense from the registry upon petition by the registered person.

Restriction on Name Changes for Registered Persons.

A registered serious domestic violence offender cannot obtain a name change order if to do so would interfere with legitimate law enforcement interests. The court cannot deny a name change if requested due to marriage or dissolution of marriage.

Appropriation: None.

Fiscal Note: Requested on January 23, 2019.

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