

HOUSE BILL REPORT

SHB 1982

As Passed House:

February 14, 2004

Title: An act relating to disclosure of information concerning sex offenders and kidnapping offenders.

Brief Description: Revising standards for disclosure of information concerning sex offenders and kidnapping offenders.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kenney, Ahern, Lovick, O'Brien, Mielke, Pearson and Miloscia).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/3/03; 1/28/04 [DPS];

Appropriations: 2/9/04, 2/10/04 [DPS(CJC)].

Floor Activity:

Passed House: 2/14/04, 91-5.

Brief Summary of Substitute Bill

- Requires police departments to disclose the hundredth block address and the first and last name of sex offenders to victims, witnesses, and individual community members living within a one-mile radius of where the offender resides.

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; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Pearson and Veloria.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Criminal Justice & Corrections be

substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Ruderman, Schual-Berke, Sump and Talcott.

Staff: Bernard Dean (786-7130).

Background:

The Department of Corrections (DOC), the Juvenile Rehabilitation Administration (JRA), and the Indeterminate Sentence Review Board (ISRB), are required to classify all sex offenders released from their facilities into risk levels I (low-risk), II (moderate-risk), or III (high-risk) for the purposes of public notification. These releasing agencies must issue to appropriate law enforcement agencies narrative notices that contain the identity, criminal history behavior, and the risk level classification for each sex offender being released and, for level II and III offenders, the reasons underlying the classification.

Local law enforcement agencies are required to consider the state classification level when assigning their own level for public notification purposes. When a local jurisdiction assigns a different risk classification level than the one assigned by the releasing agency, the local jurisdiction must notify the releasing agency of its decision and its reasons for doing so.

Notice Dissemination. A public agency may release information to the public regarding a sex offender when the agency has determined that the disclosure is relevant and necessary to protect the public and counteract the danger posed by the offender. The extent of this disclosure must be rationally related to:

- The risk posed by the offender to the community;
- The location of the offender; and
- The need of the community for the information to enhance safety.

A law enforcement agency must consider certain guidelines when determining the extent of the disclosure depending on the risk level of the offender:

- For level I sex offenders, the agency must share the information with other law enforcement agencies and may share the information with: 1) victims; 2) witnesses; and 3) individual community members living near the offender;
- For level II sex offenders, the agency may also share the information with: 1) schools; 2) day care centers and providers; 3) businesses and organizations primarily serving children, women, or vulnerable adults; and 4) neighbors and community groups located near the offender; and
- For level III sex offenders and sex offenders registered as homeless or transient, the agency may also share the information with the public at large.

The county sheriff, with whom an offender is classified as a level III sex offender, must publish a sex offender community notification in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. In addition, the sheriff must publish a list of level III sex offenders in the county twice yearly. The list must also be maintained on a publicly accessible website that must be updated once a month.

Summary of Substitute Bill:

The statute that regulates the dissemination of community notifications of sex offenders is amended.

Local law enforcement agencies must share information about level I, II, and III sex offenders with the presiding sheriff's department and the police department. In addition, they must also disclose, upon request, the hundredth block address and the first and last name of any sex offender classified as risk level I, II, or III to any victim or witness to the offense and to any individual community member living within a one-mile radius of where the offender resides, expects to reside, or is regularly found. For sex offenders classified as level II and III, that same information may also be disclosed to other entities such as schools, day care providers, businesses that serve children or vulnerable adults, community groups, or to the public at large.

A "presiding sheriff's department and police department" is defined as any governing agency for the municipality in which a sex offender resides, expects to reside, or is regularly found.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Criminal Justice & Corrections) This bill does not change the intent of the law or create a fiscal impact of any kind, it just increases clarity. There are currently over 17,000 registered sex offenders in this state and 80 to 90 percent of them are classified as risk level I. They live in apartments and multi-living units in our communities. This bill will keep sex offenders accountable and help prevent further crimes against our children.

Innocence cannot be given back to our children once it is stolen.

(With concerns) The problem with this bill is that juveniles are not separated out from adult sex offenders in the bill. Level I juvenile sex offenders are considered low risk to

re-offend and the offenses that they commit are generally not of a predatory nature. Juvenile sex offenders are much more amenable to treatment. They have a minimal sex offender history, are usually first-time offenders, and their offenses are generally committed against another family member and not a stranger. There are already placement issues for juvenile sex offenders in residential settings and this will make the issue worse.

This bill has the capacity to: (1) increase the workload for parole officers and institutional staff; (2) increase the demand for community meetings in neighborhoods; and (3) increase the probability that first-time juvenile offenders will become community targets.

Testimony For: (Appropriations) The substitute does bill does not change the intent of the law or create a fiscal impact, but it was needed for clarity. There are 17,000 registered sex offenders in the state. About 80 to 90 percent of them are classified as Level I sex offenders and they live in our community in apartments and multi-living units in our communities. What this bill does is keep sex offenders accountable and prevent further crimes against our children. This is a safety issue. Innocence can not be given back to our children once it is gone. This is a truly preventative bill.

Testimony Against: (Criminal Justice & Corrections) The way the original bill is drafted it would require local law enforcement officers to disclose more information about level I sex offenders than they would for level II and level III sex offenders (the substitute bill corrects this problem). The bill would also: (1) increase the workload for local law enforcement officers that handle daily phone calls and questions regarding sex offenders; and (2) increase the probability of more legal challenges in court on the subject of public safety versus privacy rights.

In addition, there have been instances where level III sex offenders have discovered that a sex offender notification about them is about to be published in the local community. As a result, the sex offender returns to the local sheriff's office and changes his or her residential address to transient as a way to prevent citizens from finding out where they live.

Lastly, many counties already have websites set up for citizens. The websites allow you to input your address and the website in turn will generate a list of all sex offenders that live within a half-mile radius. The websites generally provide the sex offender's name, physical description, age, and crime of conviction.

Testimony Against: (Appropriations) We are members of the community just like everyone else. We have concerns for our personal safety and that we have been wrongfully labeled. About 50 percent of those convicted every year of these types of offenses are first-time. They have never been convicted before. This bill and the registration statute does not disclose the location of these people. We are also concerned

about the fiscal impact and potential workload on law enforcement. If we call 911 because we are being shot at and our house is being burned down, they're not going to get there in time to protect us.

Persons Testifying: (Criminal Justice & Corrections) (In support) Representative Kenney, prime sponsor; Michele Clute; Gayle Clute; Joyce Bica; Karen Halsheimer; and Angela Song, Realtors Association.

(Concerns) Pleas Green and Kathleen Harvey, Juvenile Rehabilitation Administration.

(Opposed) Keith Barnes, Pierce County Sheriff Department.

Persons Testifying: (Appropriations) Representative Kenney, prime sponsor.

(Opposed) Kathleen Swan.

Persons Signed In To Testify But Not Testifying: (Criminal Justice & Corrections) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.