

HOUSE BILL REPORT

HB 2328

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to registration of sex offenders and kidnapping offenders who are students.

Brief Description: Changing provisions relating to registration of sex and kidnapping offenders who are students.

Sponsors: Representatives Dickerson, O'Brien, Delvin, Chase and Nixon.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 1/14/04, 1/27/04 [DPS].

Brief Summary of Substitute Bill

- Requires a person who is registering as sex a offender or kidnapping offender to notify the sheriff if he or she is planning to enroll at a public or private school and requires the sheriff to promptly notify the principal of the school.
- Requires the school principal to notify every teacher of the student who is required to register, any other school personnel who supervises the student, or school personnel who the principal views needs to know for security purposes.
- Requires the information to be confidential and not further disseminated except as provided for by current law.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell, Hinkle, Lovick and Uptegrove.

Staff: Sonja Hallum (786-7092).

Background:

The Washington State Sex Offender Registration Law began in 1990. The law was later

amended in 1997 to include kidnapping offenders in the registration program.

In Washington, a person is required to register if he or she has been convicted of a sex offense, a kidnapping offense, or has been found not guilty by reason of insanity of a sex offense or kidnapping offense.

The law in Washington defines a sex offense to include the following:

- (a) A felony that is a violation of the offenses listed in the chapter pertaining to sex offenses including rape, child molestation, sexual misconduct with a minor, indecent liberties, voyeurism, and sexually violating human remains;
- (b) Incest;
- (c) A felony that is a violation of the chapter pertaining to sexual exploitation of a minor except the offense of possession of depictions of a minor engaged in sexually explicit conduct;
- (d) A felony or gross misdemeanor that is a criminal attempt, solicitation, or conspiracy to commit such crimes;
- (e) A felony with a finding that the felony was committed with a sexual motivation;
- (f) Comparable out-of-state convictions and convictions from prior to 1976;
- (g) Sexual misconduct with a minor in the second degree; and
- (h) Communication with a minor for immoral purposes.

If a person is convicted of a sex offense or kidnapping offense he or she must register as a sex offender with the county sheriff. The person must provide the following information:

- (a) Name;
- (b) Address;
- (c) Date and place of birth;
- (d) Place of employment;
- (e) Crime for which convicted;
- (f) Date and place of conviction;
- (g) Aliases used;
- (f) Social security number;
- (g) Photograph;
- (h) Fingerprints;
- (i) If the person lacks a fixed residence, where he or she plans to stay; and
- (j) The name of the institution of higher education if the person is enrolled or employed at that institution of higher education.

Failure to register is a crime. If the underlying offense for which the person is required to register is a felony sex offense, felony kidnapping, or comparable out-of-state felony, the failure to register constitutes a class C felony offense. A class C offense is punishable by up to five years confinement and a \$10,000 fine.

If the underlying offense for which the person is required to register is an offense other

than one of the above, failure to register is a gross misdemeanor. A gross misdemeanor is punishable by up to one year in confinement and a \$5,000 fine.

Summary of Substitute Bill:

A person who is required to register as a sex offender or kidnapping offender must give specific information to the county sheriff. The bill includes in the information the offender must give to the county sheriff the name and address of the public or private school he or she is attending or planning to attend. The sheriff is then required to promptly notify the principal of the school.

When a principal receives notice from a sheriff that a person who is attending the school, or planning to attend, has registered as a sex offender or kidnapping offender the principal must notify the person's teacher and any other personnel who the principal determines supervises the student or needs to know for security purposes.

Any information received by the principal or school personnel from the sheriff is confidential and may not be further disseminated except as provided by the statutes relating to release of information between schools, other statutes, case law and the Family and Educational and Privacy Rights Act of 1994.

The effective date of the bill is July 1, 2004.

Substitute Bill Compared to Original Bill:

The substitute clarifies that the sheriff must notify the school principal of the school the person registering as a sex offender or kidnapping offender has indicated he or she is attending or planning to attend. The substitute also adds guidelines for who the principal is to notify within the school, expressly states that this information is confidential, and restricts the further dissemination of the information.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect on July 1, 2004.

Testimony For: (In support on original bill) This bill is not an attempt to deal with all of the issues raised by the 5903 Task Force. It deals with inconsistencies in the statute. It is not an attempt to give more information to schools than is already required or to give more public information. Feedback from juvenile court administrators is uniformly positive. The worst you can say about the bill is that it is somewhat redundant, but it is

better to get the information twice than not at all. We all have a stake in making sure offenders do not reoffend. Schools need to know this information. This provides more uniform approaches to get information into schools.

(Testimony with concerns on original bill) The bill does not tell the schools what they can do with the information once they get it. There are concerns about the confidentiality and privacy of the kids attending schools. There is potential the information could be misused. Registration may take place in the county of residence, but the person who is registering may go to a different school in another county. There is a question as to who in the school the sheriff is supposed to notify and this could create some liability issues.

Testimony Against: None.

Persons Testifying: (In support) Representative Dickerson, prime sponsor; Phil Jans, Juvenile Court Administrators; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; and Craig Apperson, Office of Superintendent of Public Instruction.

(With concerns) Victoria Roberts, Department of Corrections; Michelle Shaw, Washington Defender Association and Washington Association of Criminal Defense Lawyers; and Larry Erickson, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.