

HOUSE BILL REPORT

SB 5410

As Reported by House Committee On:
Criminal Justice & Corrections
Appropriations

Title: An act relating to public information about registered sex offenders.

Brief Description: Revising information available on the statewide registered sex offender web site.

Sponsors: Senators Stevens, Eide, Keiser, Brandland, Reardon, Roach, Prentice, Regala, Rasmussen, McCaslin, Benton, Winsley, T. Sheldon, Schmidt, Esser, Oke and Shin.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/21/03, 4/2/03 [DPA];
Appropriations: 4/5/03 [DPA(APP w/o CJC)s].

Brief Summary of Bill
(As Amended by House Committee)

- Allows the statewide registered sex offender web site to contain information regarding level II sex offenders.
- Allows local law enforcement agencies to post level II and level III community notification bulletins on their web sites for sex offenders residing within the agencies' respective jurisdictions.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 6 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Lovick and Pearson.

Minority Report: Do not pass. Signed by 1 member: Representative Kagi.

Staff: Jim Morishima (786-7191).

Background:

When sufficient funding is available from federal grants or other funding sources other than state funds, the Washington Association of Sheriffs and Police Chiefs (WASPC) must create and maintain a publicly accessible sex offender web site. The site must contain information about all registered level III sex offenders statewide. The information required to be included on the site includes the sex offenders' names, relevant criminal convictions, addresses by hundred block, physical descriptions, and photographs. The web site must have the ability to display a sex offender's address on a map, and must allow users to search for sex offenders by county, city, zip code, last name, type of conviction, and address by hundred block.

Until funding is available for the statewide web site, the WASPC must create a publicly available web site that provides electronic links to county-operated web sites that offer sex offender registration information. This web site is currently available on the WASPC's web site.

The United States Supreme Court recently ruled that a sex offender registration program in Alaska did not violate the Ex Post Facto Clause of the United States Constitution. The program in Alaska made a variety of information public via the Internet including the sex offender's name, aliases, address, photograph, physical description, license and identification numbers of motor vehicles, place of employment, and date of birth. *Smith v. Doe*, 538 U.S. ____ (2003).

Summary of Amended Bill:

The information on the statewide registered sex offender web site is expanded to include level II sex offenders. The information provided on the web site regarding level II sex offenders must be the same as the information regarding level III sex offenders, unless it is impermissible under state and federal law. If it is impermissible, the information about level II sex offenders must be limited to the information and functionality that is permissible under state and federal law.

The prohibition against using state funds to fund the web site is removed.

A local law enforcement agency may post level II and level III community notification bulletins on its web site for sex offender's residing within its jurisdiction.

Amended Bill Compared to Original Bill:

The amended bill adds language allowing a local law enforcement agency to post level II and level III community notification bulletins on its web site for sex offender's residing within its jurisdiction.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Original bill) The statewide sex offender web site is ready to be turned on. Adding level II sex offenders to the site presents no additional costs to the state. The United States Supreme Court has recently affirmed our ability to do this. This bill allows the state to contribute funding, which is necessary to operate the site.

Testimony Against: None.

Testified: Senator Stevens, prime sponsor; Tim Schellberg, Washington Association of Sheriffs and Police Chiefs; Detective Robert Shilling, Seattle Police Department; and Glenn Cramer, Washington State Patrol.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Criminal Justice & Corrections. Signed by 27 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Boldt, Buck, Clements, Cody, Conway, Cox, DeBolt, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Pflug, Ruderman, Schual-Berke, Sump and Talcott.

Staff: Bernard Dean (786-7130).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Criminal Justice & Corrections:

The amendment adopted by the Appropriations Committee restores the prohibition against using state funds to finance the statewide sex offender website.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Last year the Legislature directed the Washington Association of

Sheriffs and Police Chiefs (WASPC) to create a statewide website for Level III sex offenders. This was done at no cost to the state. The WASPC raised \$650,000 from various contributors, including Microsoft, to purchase equipment and software necessary to design the website. However, it is much more difficult to fund ongoing operations costs. This bill would help the WASPC obtain state funding to maintain the site. The bill would also allow the WASPC to place Level II sex offender information on the website at no additional cost. The United States Supreme Court has affirmed our ability to do this.

Testimony Against: None.

Testified: Larry Erickson and Tim Schellberg, Washington Association of Sheriffs and Police Chiefs.