

# HOUSE BILL REPORT

## HB 2409

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### As Amended by the Senate

**Title:** An act relating to strengthening the sex and kidnapping offender registration statute by decreasing the amount of time within which returning or out-of-state registrants must register after establishing residence in Washington, requiring offenders with fixed residences to provide their complete residential addresses when registering, requiring homeless offenders, when they check in weekly, to inform the county sheriff where they have been over the past week and where they plan to be in the forthcoming week, requiring offenders to sign the written notice they provide to the county sheriff when they change residences or cease to have a fixed residence, and clarifying that any violation of RCW 9A.44.130 is a crime.

**Brief Description:** Changing the provisions relating to sex and kidnapping offender registration.

**Sponsors:** By Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells and Ormsby.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 1/12/06, 1/31/06 [DP].

#### Floor Activity:

Passed House: 2/11/06, 96-0.

Senate Amended.

Passed Senate: 3/2/06, 45-1.

### Brief Summary of Bill

- Requires sex and kidnapping offenders to provide their "complete residential" addresses when registering.
- Decreases the time within which sex and kidnapping offenders coming from another state must register from 30 days to 72 hours.
- Requires written notices sent to the county sheriff when a sex or kidnapping offender moves or becomes homeless to be signed.
- Requires a homeless sex or kidnapping offender to list the places where he or she has stayed during the previous week, and where he or she plans to stay during the forthcoming week, when the offender checks in with the county sheriff.

- Clarifies that any knowing non-compliance with the registration statute is a crime.

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

**Staff:** Jim Morishima (786-7191).

### **Background:**

In 1990, the Legislature enacted the Community Protection Act, which, among other things, created a sex offender registry in Washington. A sex or kidnapping offender must register with the county sheriff in the county in which he or she resides. The offender must also notify the sheriff when he or she enrolls in a public or private school or an institution of higher education. Law enforcement officials use the information in the registry to notify the public, within certain guidelines, of a sex offender's presence in the community.

### Information Provided upon Registration

When an offender registers, he or she must provide a variety of information including his or her name, address (a homeless offender must provide a description of where he or she plans to stay), date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases used, Social Security number, photograph, and fingerprints.

### Out-of-State Registrants

An offender subject to the registration requirements who moves to Washington from another state, or who is a former Washington resident returning to this state, must register within 30 days of establishing a residence in Washington.

### Written Notices

A registered sex or kidnapping offender who changes addresses within a county must send written notice to the county sheriff within 72 hours of moving. If the offender moves to the new county, he or she must provide written notice to the sheriff of the new county at least 14 days prior to moving and must provide written notice to the sheriff of the old county within 10 days of moving. An offender who becomes homeless must send written notice to the county sheriff within 48 hours of becoming homeless.

### Homeless Offenders

Homeless offenders must check in with the county sheriff once a week on a date specified by the sheriff. The sheriff may require the offender to list the places where he or she stayed during the previous week.

## Criminal Penalties

An offender who knowingly fails to register or notify the county sheriff, or who changes his or her name without notifying the county sheriff or the Washington State Patrol, is guilty of a crime. The offender is guilty of an "unranked" class C felony (zero-12 months in jail, a fine of up to \$10,000, or both) if the crime that caused the person to register was a felony. The person is guilty of a gross misdemeanor (zero-12 months in jail, a fine of up to \$5,000, or both) if the crime that caused the person to register was a misdemeanor or a gross misdemeanor.

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## **Summary of Bill:**

### Information Provided upon Registration

Instead of requiring the offender to provide his or her "address" when registering, the offender is required to provide his or her "complete residential address."

### Out-of-State Registrants

The amount of time an out-of-state registrant is given to register once he or she has established a residence in Washington is decreased to 72 hours (from 30 days).

### Written Notices

The written notices that must be provided to the county sheriff when an offender moves or becomes homeless must be signed.

### Homeless Offenders

When a homeless offender checks in weekly, the county sheriff must require the offender to list the places, including addresses when applicable, where he or she has stayed over the last seven days and the places he or she plans to stay in the forthcoming seven days.

### Penalties

A person is subject to criminal liability for any knowing non-compliance with the registration statute.

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## **EFFECT OF SENATE AMENDMENT(S):**

Until September 1, 2006, changes the period of time within which an out-of-state registrant must register with the county sheriff to three business days, instead of 72 hours (on September 1, 2006, this period of time will change to 72 hours, which is the period of time required in the original bill). Delays, until September 1, 2006, the provisions that require a homeless offender to notify the county sheriff of the places he or she has stayed during the previous week and the places he or she plans to stay during the forthcoming week.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately, except for Section 2, which because of prior double amendments, takes effect September 1, 2006.

**Testimony For:** This bill comes from discussions that were had over the summer in the Joint Task Force on Sex Offender Management. It is a good common sense measure that will streamline the registration process. The bill will make it easier for prosecutors and law enforcement to do their jobs.

**Testimony Against:** None.

**Persons Testifying:** Suzanne Brown-McBride, Washington Coalition of Sexual Assault Programs.

**Persons Signed In To Testify But Not Testifying:** None.