

# HOUSE BILL REPORT

## HB 2714

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**As Reported by House Committee On:**  
Public Safety & Emergency Preparedness  
Appropriations

**Title:** An act relating to making failure to register as a sex offender or kidnapping offender a class B felony.

**Brief Description:** Changing provisions concerning registration of sex offenders and kidnapping offenders.

**Sponsors:** Representatives Loomis, Hurst, Lantz, Upthegrove, Conway, Simpson, VanDeWege and Kelley.

**Brief History:**

**Committee Activity:**

Public Safety & Emergency Preparedness: 1/23/08, 1/28/08 [DPS];

Appropriations: 2/5/08, 2/6/08 [DP2S(w/o sub PSEP)].

**Brief Summary of Second Substitute Bill**

- Changes Failure to Register as a Sex Offender from a class C felony to a class B felony.

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### HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern and Goodman.

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

**Background:**

Failure to Register as a Sex Offender

Under the Community Protection Act of 1990, a sex offender must register with the county sheriff of the county in which he or she resides. An offender must provide a variety of information upon registration including name, complete residential address, date and place of

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birth, place of employment, crime of conviction, date and place of conviction, aliases, Social Security number, photograph, and fingerprints.

Registered sex offenders are subject to a variety of requirements after registration. For example, if an offender must notify the county sheriff if he or she moves or changes any of the information in the registry. Also, homeless offenders must check in with the county sheriff once a week. Level II and level III sex offenders must check in with the county sheriff every 90 days.

A sex offender who knowingly violates the requirements of the registration statute is guilty of a class C felony if the offense that caused the duty to register was a felony. The offense is "unranked" on the first offense, which means the offender would be subject to a term of confinement within the standard range of zero to 12 months. A first-time offender is also subject to a mandatory term of community custody (supervision in the community) of 36-48 months. For second and subsequent offenses, the offense is ranked at seriousness level II, which means the offender, assuming he or she has no other prior offenses, would be subject to a term of confinement of 12-14 months. The offender would also be subject to a mandatory term of community custody of 36-48 months.

A sex offender who knowingly violates the requirements of the registration statute is guilty of a gross misdemeanor if the offense that caused the duty to register was not a felony.

#### Classes of Felonies

In Washington, felonies are divided into three classes: A, B, and C. The class of felony determines the statutory maximum for the offense; the term of confinement plus any term of community custody may not exceed this maximum. In addition, the class of felony determines the maximum amount an offender may be fined. The maximums for the different classes of felonies are as follows:

- class A felonies: Life in prison and \$50,000.
- class B felonies: 10 years in prison and \$20,000.
- class C felonies: Five years in prison and \$10,000.

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#### **Summary of Substitute Bill:**

The penalty for felony-level Failure to Register as a Sex Offender is increased from a class C felony to a class B felony.

#### **Substitute Bill Compared to Original Bill:**

The original bill also increased the penalty for Failure to Register as a Kidnapping Offender from a class C felony to a class B felony.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill ensures that some sex offenders will be supervised in the community for a longer period of time, which will make our families safer. Currently, some sex offenders convicted of failure to register are not serving their entire terms of community custody. This is because these offenders serve a longer term of confinement, which cuts off their period of community custody. This bill does not increase confinement, but just ensures that an offender's full term of community custody will be served.

(Opposed) None.

**Persons Testifying:** Representative Loomis, prime sponsor; and Tom McBride, Washington Association of Prosecuting Attorneys.

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

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety & Emergency Preparedness. Signed by 34 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Chandler, Cody, Conway, Darneille, Ericks, Fromhold, Grant, Green, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDonald, McIntire, Morrell, Pettigrew, Priest, Ross, Schmick, Schual-Berke, Seaquist, Sullivan and Walsh.

**Staff:** Alex MacBain (786-7288).

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Public Safety & Emergency Preparedness:**

The committee recommended restoring Failure to Register as a Sex Offender to a class C felony for juvenile sentencing.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

( In support) The committee may wish to amend the bill to fix the unintended effect that the bill has on the juvenile system. The bill was intended to increase the length of adult community supervision, and was not intended to impact the juvenile system.

(Opposed) None.

**Persons Testifying:** Tom McBride, Washington Association of Prosecuting Attorneys.

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