

# SENATE BILL REPORT

## SB 5865

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As of February 19, 2007

**Title:** An act relating to law enforcement use of risk level classifications for registration and community notification of sex offenders and kidnapping offenders.

**Brief Description:** Clarifying the use of risk level classifications by law enforcement.

**Sponsors:** Senator Kline.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/15/07.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Kiki Keizer (786-7430)

**Background:** When a person who is serving a prison sentence for a sex offense nears his or her release date, the End of Sentence Review Committee (ESRC), which is part of the Department of Corrections (DOC), determines that person's level of risk of re-offense within the larger community. The risk level is rated between level I and level III, with level I being the lowest level of risk of re-offense. The risk level is used to determine to whom law enforcement may disclose information about the person being released.

State law allows local law enforcement agencies to override the risk level assigned by the ESRC, but they must notify the ESRC if they assign a different risk level and explain the reasons for the different risk level assignment.

**Summary of Bill:** The risk level assigned by the ESRC to a person who has committed a sex offense is the level to be used by law enforcement for the purposes of community notification under RCW 4.24.550. If a law enforcement agency believes that there is aggravating or mitigating information that was not considered by the ESRC in setting the risk level, then that agency must forward that information to the ESRC for reconsideration at the next ESRC meeting. Upon reconsideration, the ESRC's decision is final.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff Summary of Public Testimony:** PRO: The ESRC should have the final authority to make the risk level determination because that body has the expertise to work with information such as psychological evaluations and has full information from arrests, the period of incarceration, and treatment.

There should be a uniform system of risk level determination throughout the state, rather than the patchwork system that currently exists, with law enforcement having veto power over the ESRC's risk level classifications.

CON: Law enforcement has been doing a lot of stakeholder work on its sex offender model policy, which includes guidelines on how risk level should be assessed. The model policy provides consistency statewide.

Local law enforcement has contact with persons subject to the registration requirements, so it is well-positioned to evaluate and reclassify risk level classifications.

**Persons Testifying:** PRO: Senator Kline, prime sponsor; John Sinclair, Washington Association of Criminal Defense Lawyers.

CON: Don Pierce, Washington Association of Sheriffs and Police Chiefs; Steve Mansfield, Brad Borden, Lewis County Sheriff's office; Daryl Leischner, Thurston County Sheriff's Office.