

HOUSE BILL REPORT

ESHB 2035

As Amended by the Senate

Title: An act relating to requiring registered sex and kidnapping offenders to submit information regarding any e-mail addresses and any web sites they create or operate.

Brief Description: Requiring registered sex and kidnapping offenders to submit information regarding any e-mail addresses and any web sites they create or operate.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Klippert, O'Brien, Shea, Haler, Roach, Armstrong, Pearson, McCune, Condotta, Orwall, Ross, Hurst, Smith, Kristiansen, Kretz, Orcutt, Kelley, Warnick and Angel).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/18/09 [DPS].

Floor Activity

Passed House: 3/3/09, 97-0.

Senate Amended.

Passed Senate: 4/16/09, 47-0.

Brief Summary of Engrossed Substitute Bill

- Requires any sex and kidnapping offender who must register with the county sheriff to report electronic mail address information or any other Internet identification information, and the uniform resource locator of any personal website created or operated by the offender if the information is requested by law enforcement.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman, Kirby and Ross.

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

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: Lara Zarowsky (786-7123)

Background:

A sex or kidnapping offender must register with the county sheriff of the county in which he or she resides. The offender must also notify the county sheriff if 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, subject to certain guidelines, of a sex offender's presence in the community.

An offender who serves a term of confinement pursuant to a conviction for a sex or kidnapping offense must register at the time of release with the agency that has jurisdiction over the offender. The agency must then transmit the information within three days to the county sheriff. The offender must also register with the county sheriff within 24 hours of release.

An offender who changes his or her address or becomes homeless must provide written notice to the county sheriff of his or her change in status. Homeless offenders must report weekly to the county sheriff. Level II and III sex offenders who have a fixed residence must report to the county sheriff every 90 days.

An offender must provide the following information to comply with registration requirements:

- name;
- complete residential address;
- date and place of birth;
- place of employment;
- crime for which convicted;
- date and place of conviction;
- aliases used;
- Social Security number;
- photograph; and
- fingerprints.

Summary of Engrossed Substitute Bill:

If requested by law enforcement, all sex and kidnapping offenders required to register with the county sheriff, whether or not they have a fixed residence, must report: (1) their electronic mail (e-mail) address information or any Internet communication name or identity information including but not limited to instant message, chat, or social networking names or identities; and (2) the uniform resource locator (URL) of any personal website created or operated by the offender.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment deletes all changes to the current sex and kidnapping offender registration requirements, and deletes the null and void, effective date, and expiration date sections. The Sex Offender Policy Board is directed to include, in its November 2009 report

to the Legislature, a review and recommendation as to whether offenders should be required to submit to law enforcement their electronic mail address or other internet communication name or identity, and related issues associated with implementing this requirement, including sanction for failure to comply.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void if not funded in the budget.

Staff Summary of Public Testimony:

(In support) On the Internet, an offender can be dishonest and lure a potential victim. This bill isn't an attempt to limit the offender's rights to use social networking sites, it's just an attempt to do everything possible to prevent kidnapping and sex offenders from re-offending. It is important for law enforcement to have offender's identifying information to prevent grooming and to make sure they aren't trying to hurt potential victims. This is not a denial of access to the Internet, it is an effort to monitor behavior.

(With concerns) Under Washington law there are no differences in registration requirements between adults and juveniles, though there are substantial developmental differences between the two populations. This kind of additional registration requirement might increase the number of juveniles who receive a failure to register for unintentionally failing to report an e-mail address or a website URL. The intent of the bill seems to be to reach offenders who target their victims through the Internet. The victims of juvenile offenders are generally related or acquaintances of the juvenile, and are not accessed through the Internet. An unintended consequence of this change may be to limit juveniles and families from accessing services available to them if, for example, they are discouraged from having an e-mail address. Youth are often using MySpace and Facebook for pro-social networking opportunities. This bill might over-complicate registration requirements for juveniles.

(Opposed) None.

Persons Testifying: (In support) Representative Klippert, prime sponsor.

(With concerns) Kecia Ronger, Department of Social and Health Services, Juvenile Rehabilitation Administration.

Persons Signed In To Testify But Not Testifying: None.