

SENATE BILL REPORT

SHB 1612

As of April 8, 2013

Title: An act relating to firearm offenders.

Brief Description: Concerning information on firearm offenders.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Hope, Pedersen, Hayes, Buys, Dahlquist, Hargrove, O'Ban, Holy, Goodman, Fagan, Smith, Magendanz, Orcutt, Klippert, Kretz, Warnick, Roberts, Moscoso, Ryu and Bergquist).

Brief History: Passed House: 3/12/13, 85-10.

Committee Activity: Law & Justice: 4/02/13 [DPA-WM].

Ways & Means: 4/08/13.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Padden, Chair; Kline, Ranking Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Aldo Melchiori (786-7439)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Dianne Criswell (786-7433)

Background: The Washington State Patrol (WSP) is the state's central repository for criminal history data, and maintains the Criminal History Record Information (CHRI) database. The CHRI database consists of fingerprint-based records and disposition information submitted by law enforcement agencies and courts throughout the state. Criminal justice agencies may request and receive unrestricted CHRI from WSP for criminal justice purposes. The public may also request and receive CHRI for non-criminal justice purposes, limited to conviction information only, and information regarding registered sex or kidnapping offenders.

Summary of Bill: The bill as referred to committee not considered.

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.

Summary of Bill (Recommended Amendments): WSP must maintain a felony firearm offense conviction database of felony firearm offenders. Felony firearm offenders are persons who were convicted or found not guilty by reason of insanity in this state for various felony firearm offenses. The felony firearm offense conviction database is only for law enforcement purposes and is not subject to public disclosure.

Upon conviction or finding of not guilty by reason of insanity of a felony firearm offense, the court must consider whether to impose a requirement that the person register as a felony firearm offender. In exercising its discretion, the court must consider relevant factors including the person's criminal history, whether the person was previously found not guilty by reason of insanity in any state, and any evidence of the person's propensity for violence that is likely to endanger others.

An offender required to register must do so in person with the county sheriff no later than 48 hours after release from custody or the date the court imposes the felony firearm offender's sentence, if the offender receives a sentence that does not include confinement. The offender must register yearly, no later than 20 days after each anniversary of the first registration. The duty to register continues for four years. Upon expiration of the offender's duty to register, WSP must automatically remove the person's name and information from the database.

A variety of information must be provided by the felony firearm offender including the offender's name and aliases, residential address, identifying information including a physical description, the offense for which the person was convicted, date and place of conviction, and the names of any other county where the offender registered as a felony firearm offender. The county sheriff may require verifying documentation of the required information and may take the person's photograph or fingerprints for inclusion in the registry.

If a felony firearm offender changes their residential address within the state, they must update their address information within 48 hours of moving. If the person lacks a fixed address, they must disclose where they plan to stay.

A felony firearm offender who has a duty to register and knowingly fails to comply with any of the requirements is guilty of a gross misdemeanor.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Amendments): Clarifies that the bill applies to felony firearm offenders. Establishes the felony firearm offense conviction database rather than a central registry.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony (Law & Justice): PRO: The focus of the bill is on the offenders. The judge is given the discretion to order entry into the database. Law

enforcement will be able to identify these people more easily and this will enhance officer safety. Offenders will be less likely to carry if they know that the information is easy to access. This law should be effective in both the urban and rural settings. It will not solve all of our problems, but it will give officers a welcomed additional tool.

Persons Testifying (Law & Justice): PRO: Representative Hope, prime sponsor; Don Pierce, WA Sheriffs and Police Chiefs Assn.

Staff Summary of Public Testimony (Ways & Means): PRO: This proposal targets offenders. A predictor of homicides is a record of prior firearms felonies. Similar programs, which were implemented in New York City and Baltimore, reduced homicides. A database like this works to reduce homicides because it brings offenders face-to-face with law enforcement once per year. Implementation of this database will also improve law enforcement officer safety, because more information will be available to officers as they make contact with individuals, allowing officers to be better prepared. This will increase safety in both urban and rural communities.

Persons Testifying (Ways & Means): PRO: Representative Hope, prime sponsor.