

SENATE BILL REPORT

SB 5083

As Reported by Senate Committee On:
Law & Justice, January 25, 2017

Title: An act relating to notice of relief from the duty to register.

Brief Description: Concerning notice of relief from the duty to register. [**Revised for 1st Substitute:** Requiring the prosecuting attorney to use reasonable efforts in notifying a victim of a sex or kidnapping offender's petition for relief from registration.]

Sponsors: Senator Pearson.

Brief History:

Committee Activity: Law & Justice: 1/18/17, 1/25/17 [DPS].

Brief Summary of Substitute Bill

- Requires the prosecuting attorney make reasonable efforts to notify the victim when a sex or kidnapping offender petitions for relief from registration.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5083 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel, Darneille, Frockt and Wilson.

Staff: Shani Bauer (786-7468)

Background: Any adult or juvenile offender residing in the state who has been convicted of a sex or kidnapping offense must register with the county sheriff upon release from confinement. The offender must provide complete information to the county sheriff including the offender's address, aliases used, place of employment, social security number, photograph, and fingerprints. The person is required to notify the county sheriff of any changes in address or employment. The county sheriff must periodically verify an offender's information. A person who does not register or keep the sheriff appropriately notified of changes may be convicted of a failure to register.

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.

Some persons convicted of a sex or kidnapping offense may petition the court for relief from registration after a period of time in the community. A petition for relief must be made to the court in which the offender was convicted or if the person was not convicted in this state, the county in which the person is registered. The prosecuting attorney of the county must be named in the petition and serve as a respondent.

Juvenile Relief from Registration. A person who has a duty to register for a sex or kidnapping offense committed when the person was a juvenile may petition the court to be relieved of that duty:

- after 60 months in the community without committing a new sex or kidnapping offense or failure to register if the petitioner was 15 years or older at the time of the offense and the offense was a Class A felony; or
- after 24 months in the community without committing a new sex or kidnapping offense or failure to register for all other sex or kidnapping offenses committed while the offender was a juvenile.

In order for the court to relieve a person from registration for an offense committed as a juvenile, a petitioner must show by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the sex offender registry. A list of statutory factors are provided for the court's consideration in making its determination, including any input of the victim.

Adult Relief from Registration. A person who has a duty to register for a sex or kidnapping offense committed when the person was an adult, may petition the court to be relieved of that duty:

- after 10 consecutive years in the community without committing a disqualifying offense if the person was convicted in this state of a Class B or Class C sex offense; or
- after 15 consecutive years in the community without committing a disqualifying offense if the person was convicted in another state or in federal or tribal court.

In order for the court to relieve a person from registration for an offense committed as an adult, a petitioner must show by clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal from the sex offender registry. A list of statutory factors are provided for the court's consideration in making its determination, including any input from the victim.

Summary of Bill (First Substitute): A prosecuting attorney must make reasonable efforts to notify the victim of a sex or kidnapping offender's petition for relief from registration via the victim's choice of telephone, letter, or email, if known.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute): The prosecuting attorney is required to use reasonable efforts in notifying a victim of a sex or kidnapping offender's petition for relief from registration.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: : *The committee recommended a different version of the bill than what was heard.* PRO: The prosecuting attorneys are in support of this bill with a friendly amendment. Many times these petitions are 10 to 15 years after the original case. The prosecutor may or may not have good information for the victim or know whether the victim would rather not be contacted. The statute should reflect that the prosecutor will make reasonable attempts to contact the victim.

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

Persons Signed In To Testify But Not Testifying: No one.