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## Community Safety Committee

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### HB 1180

**Brief Description:** Implementing certain recommendations from the sex offender policy board concerning the criminal offense of failure to register.

**Sponsors:** Representatives Farivar, Goodman, Reed, Obras, Simmons, Ormsby and Hill.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Modifies laws concerning felony Failure to Register as a sex offender.</li></ul>
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**Hearing Date:** 2/3/25

**Staff:** Michelle Rusk (786-7153).

**Background:**

Sex Offense Registration.

Any adult residing in Washington who has been found to have committed or been convicted of any sex offense or kidnapping offense must register with the county sheriff for the county of the person's residence or the county of the person's school or place of work. Sex offenses requiring registration include, for example, rape, child molestation, sexual misconduct with a minor, incest, any felony with a finding of sexual motivation, and a second or subsequent felony violation of sex offender registration laws.

*Failure to Register.*

An adult commits the felony offense of Failure to Register if the person has a duty to register for a felony sex offense, and knowingly fails to comply with any registration requirements. Felony Failure to Register is an unranked class C felony where there is a duty to register and the person has no or one prior felony Failure to Register conviction. If an adult has a duty to register and has been convicted of felony Failure to Register on two or more prior occasions, the offense is a

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class B felony and seriousness level II offense.

A person is guilty of a gross misdemeanor Failure to Register offense if the person has a duty to register for a sex offense other than a felony and knowingly fails to comply with registration requirements.

Under the Sentencing Reform Act (SRA), a second or subsequent felony Failure to Register offense is a sex offense.

#### *Required Length of Registration.*

The duration of a person's duty to register varies:

- The duty to register must continue indefinitely for an adult convicted of a class A felony requiring registration or one or more prior convictions for a sex offense or kidnapping offense.
- Adults convicted of a class B felony requiring registration who do not have a previous conviction requiring registration must register for 15 years.
- Adults convicted of a class C felony requiring registration or attempt, solicitation, or conspiracy to commit a class C felony, and who do not have a previous conviction requiring registration, must register for 10 years.

For purposes of determining if someone has been convicted of one or more sex offenses, Failure to Register as a sex offender is not a sex offense.

#### *Model Policy.*

In 1997 the Washington Association of Sheriffs and Police Chiefs (WASPC) was directed to convene a sex offender policy work group to develop a model policy for law enforcement agencies and other criminal justice personnel. The model policy provides guidelines for sex offender registration, community notification, and strategies for sex offender management.

#### Individual Reentry Plans.

The Department of Corrections (DOC or Department) is required to develop individual reentry plans for each incarcerated person under its jurisdiction, subject to a few exceptions. As part of developing a reentry plan, the Department must identify an incarcerated person's criminogenic risks, programmatic needs, and educational and vocational skills of each. Before someone is discharged, the Department must evaluate the person's individual needs and connect the person with existing services and resources.

#### Community Supervision.

Community custody is a portion of a sentence served in the community, subject to conditions imposed by the court and the DOC. The DOC supervises certain categories of persons sentenced to community custody, including individuals convicted of different types of sex offenses. Courts impose one year of community custody when someone's felony Failure to Register violation is their first violation, and up to 18 months or three years for other sex offenses.

## **Summary of Bill:**

### Changes to Felony Failure to Register Offenses.

Felony Failure to Register as a sex offender is an unranked class C felony, and the elevation to a class B felony for a third or subsequent felony Failure to Register offense is removed. The definition of "sex offense" in the SRA is modified to not include a second or subsequent felony Failure to Register offense.

### *Reentry Plans and Community Supervision.*

For anyone under the Department's jurisdiction for a sex offense or Failure to Register offense, the Department must ensure the individual's reentry plan identifies barriers to registering, and includes resources and tools to support compliance and improve functioning in the community.

Additionally, a court must sentence an adult to community custody for two years when it sentences the person to DOC custody for a second or subsequent Failure to Register offense.

### *Extinguishing Registration Requirements.*

A person's legal obligation to register is extinguished if the person has an existing registration obligation because of a conviction for a second or subsequent felony Failure to Register. Registering agencies must remove all persons from the sex offender registry who no longer have a duty to register.

### *Retroactive Application.*

The act applies to any charges pending or filed after the bill's effective date alleging a person failed to register where the date of the offense occurred before the effective date of the bill.

### *Model Policy.*

The WASPC must review its Model Policy regarding Adult and Juvenile Sex Offender Registration to identify opportunities to utilize technology, and report its findings to the Legislature by December 1, 2025, and update the model policy by June 1, 2026.

**Appropriation:** None.

**Fiscal Note:** Requested on January 28, 2025.

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