

# SENATE BILL REPORT

## SB 5312

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As of January 27, 2025

**Title:** An act relating to net nanny operations involving fictitious minors.

**Brief Description:** Concerning net nanny operations involving fictitious minors.

**Sponsors:** Senators Wellman, Frame, Nobles and Wilson, C..

**Brief History:**

**Committee Activity:** Law & Justice: 1/27/25.

**Brief Summary of Bill**

- Reduces the length of the sex offender registration requirement for individuals convicted in Net Nanny operations to five years.
- Reduces the length of community supervision for individuals sentenced to an indeterminate sentence after being convicted in Net Nanny operations to three years.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Ryan Giannini (786-7285)

**Background:** Sex Offender Registration. All adults convicted of a sex offense or kidnapping offense in the state of Washington must register as a sex offender or a kidnapping offender. The registration requirement applies to many juveniles as well, based on their age at the time of the offense and the nature of the offense. The length of the registration requirement varies. For an adult convicted of a class A felony, or who is convicted of any sex offense or kidnapping offense and has one or more prior convictions for a sex offense or kidnapping offense, the length of the registration requirement is indefinite. For an adult convicted of a class B felony who does not have a prior sex offense or kidnapping offense, the length of the registration requirement is 15 years. For an adult

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convicted of a class C felony who does not have a prior sex offense or kidnapping offense, the length of the registration requirement is ten years. The length of the registration requirement for a person convicted as a juvenile may be two or three years.

Community Supervision for Indeterminate Sentences Following a Sex Offense. An adult convicted of a sex offense may receive an indeterminate sentence if the adult is convicted of certain class A sex offenses or class A felonies with a sexual motivation, or is sentenced for a sex offense and has a prior sex offense. In this case, the court imposes both a minimum term, which must be within the standard range unless grounds for an exceptional sentence are present, and a maximum term, which must be equal to the statutory maximum for the offense. The Indeterminate Sentence Review Board may release the individual after they have served the minimum term, but they must remain on supervision until the expiration of the maximum term of the sentence, which is life for a class A felony.

Net Nanny Operations. Operation Net Nanny is an Internet sting operation administered by the Washington State Patrol Missing and Exploited Children Task Force (MECTF) to create scenarios affording an opportunity for a person to commit a sex offense against a fictitious child, leading to the person's arrest for an attempted sex offense after taking an overt act in furtherance of the crime. Between 2015 and 2023, MECTF conducted 20 sting operations and made 311 arrests. A study of Operation Net Nanny activities published by the Washington State Institute for Public Policy in 2023 noted that there is limited research on the effectiveness of Internet sting operations, making it unclear whether or not they are effective at deterring crime.

**Summary of Bill:** The sex offender registration requirement for a person required to register due to a conviction from a Net Nanny operation involving a fictitious minor must end after the person has spent five consecutive years in the community without being convicted of a disqualifying offense, if the person has no prior background or prior convictions for sex offenses or kidnapping offenses indicating predatory behavior towards a minor.

The length of supervision for a person sentenced to an indeterminate sentence due to a conviction from a Net Nanny operation involving a fictitious minor and subsequently released by the Indeterminate Sentence Review Board must be three years if the person has no prior background or prior convictions for sex offenses or kidnapping offenses indicating predatory behavior towards a minor, instead of until the expiration of the maximum term of sentence.

A Net Nanny operation is defined as an Internet sting or undercover law enforcement operation designed to apprehend adults who use the Internet to solicit or attempt to commit sexual activity with minors.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 2025.

**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:** PRO: I am a seeker of justice. A constituent was caught in a Net Nanny sting operation. He was convicted but did not talk to a child or even drive the conversation. There are grave consequences to sex offender registration. With no prior record of wrongdoing with a child, once time served in prison there should be a time to move forward. We should not make a sentence a life sentence. Sentencing young first-time offenders to lifetime punishment where no children are harmed is an injustice. These stings rely on questionable tactics that entrap individuals. They are unjust and ineffective. Justice should be proportional. This bill ensures that consequences align with reality. Recidivism drops sharply after 36 months of supervision. When people are released they can't go home because of zoning requirements, or travel, or find jobs. Investing in rehabilitation programs is more cost effective than punitive measures. Sex offenders are the second least likely group to reoffend after those convicted of murder.

Law enforcement officials are committing felonies in these stings. Fictitious minor stings sweep in minors who have no history of misconduct. They target vulnerable people who have no predisposition to commit crimes, many of whom are neurodivergent or developmentally disabled. We prevent people from becoming productive members of society. With sex offenders, one size doesn't fit all. Registration and probation should fit the offense. Net Nanny cases are so rare there is no research. Families are the victims of these distortions. Lifetime supervision costs the state a fortune.

CON: Prosecutors do not convict when evidence supports entrapment, or when the person does not take a substantial step towards committing a crime. Evidence shows the person believed the child was real and formed intent to commit the crime. Not all operations are equal; some defendants are bad and hold positions of trust, and these changes would affect all convictions. Exemption language is too vague to capture all instances of bad behavior. The reductions are too severe compared to other punishments. Three years may not be enough time to finish sex offender treatment. This committee has targeted crimes that did not involve real minors before. We should not treat crimes differently because law enforcement is unwilling to use real children.

**Persons Testifying:** PRO: Senator Lisa Wellman, Prime Sponsor; Bruce Glant; Tanner Ness, CAGE; Franklin Wilson, Jr., Triple F's Investigation; Bryan Glant; Matthew Perry, Jewish Prisoner Services International; James Manley; Jacob Schmitt, Just Us Solutions, LLC; Brenda Chapman; Emily Gause, Washington Association of Criminal Defense Lawyers/Washington Defender Association; Joanne Glant, MSN Outlook.

CON: Laura Harmon; James McMahan, Washington Association of Sheriffs & Police

Chiefs.

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