

HOUSE BILL REPORT

SB 6408

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to restoring sex offender registration for nonfelony communication with a minor convictions.

Brief Description: Restoring sex offender registration for nonfelony communication with a minor convictions.

Sponsors: Senators Costa, Hargrove, Long, Kline, Zarelli, Johnson, Rasmussen and Oke.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/20/02 [DP].

Brief Summary of Bill

- Restores the offense of "communicating with a minor for immoral purposes" to the definition of sex offense in the sex offender registration statute.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

Staff: Yvonne Walker (786-7841).

Background:

Prior to the year 2001, the definition of sex offense in the Sentencing Reform Act (SRA) and the definition of sex offense in the sex offender registration statute of the Washington Criminal Code varied. In the 2001 legislative session, the Legislature passed a bill (SSB 5014) that harmonized the definition of sex offense in both acts to coincide with one another.

However, in the attempt to harmonize the definition of sex offense in both acts, the offense of "communicating with a minor for immoral purposes" was eliminated from the

definition of sex offense in the sex offender registration statute of the criminal code. As a result, first time offenders convicted of this particular offense were no longer required to register as a sex offender. The first conviction for the crime of communicating with a minor for immoral purposes is punishable as a gross misdemeanor offense and any subsequent conviction is punishable as a class C felony.

Prior to the 2001 legislative change, any offender convicted of communicating with a minor for immoral purposes was required to register as a sex offender for a gross misdemeanor conviction.

Summary of Bill:

The offense of "communicating with a minor for immoral purposes" is restored to the definition of sex offense in the sex offender registration statute of the criminal code. All sex offenders convicted of this particular offense on, before, or after July 1, 2001, are required to register as a sex offender unless otherwise relieved of that duty to register by a court.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill is merely trying to fix a drafting error in a bill we had last year.

When rumors started to fly about this drafting mistake, lawyers started calling their clients up and telling them that they no longer had to register as a sex offender. Sex offenders had even started to move to Oregon because that state only requires offenders to register as a sex offender if they are required to register in another state.

In Washington, sex offenders convicted of this particular offense were always required to register for convictions of this offense. The Senate bill passed by the Legislature last year, missed the reference of communicating with a minor for immoral purposes. This bill restores the offense back to the list of sex offenses. This is purely a technical clean-up bill.

Testimony Against: None.

Testified: Senator Costa, prime sponsor; Daryl Leischner, Thurston County Sheriff; and Tim McBride, Washington Association of Prosecuting Attorneys.

