

SENATE BILL REPORT

SHB 3238

As Reported By Senate Committee On:
Judiciary, February 22, 2006

Title: An act relating to prohibiting the distribution of false sex offender notifications.

Brief Description: Prohibiting the distribution of false sex offender notifications.

Sponsors: House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Simpson, Lantz, Wallace, Morrell, Kilmer, Green, Springer, Dunshee, P. Sullivan, Quall, B. Sullivan, Grant, Appleton, Williams, Darneille, O'Brien, Haler, Clibborn, Hunt, Lovick, Hasegawa, McDermott, Rodne, Moeller, Kessler, Strow, Fromhold, Sells and Ericks).

Brief History: Passed House: 2/01/06, 97-0.

Committee Activity: Judiciary: 2/15/06, 2/22/06 [DP, DNP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau.

Minority Report: Do not pass.

Signed by Senators Johnson, Ranking Minority Member; Carrell, Esser and McCaslin.

Staff: Lidia Mori (786-7755)

Background: In 1990, the Legislature enacted the Community Protection Act, which created one of the first sex offender registration laws in the country. A person convicted of a sex or kidnapping offense must register with the county sheriff of the county in which he or she resides. An offender must provide a variety of information when registering, including his or her name, address, date and place of birth, place of employment, crime of conviction, date and place of conviction, aliases, Social Security number, photograph, and fingerprints. The offender must also notify the county sheriff if he or she is enrolled in a public or private school or in an institution of higher education. Failure to meet the registration requirements is an unranked class C felony.

Law enforcement agencies are authorized to release information regarding registered sex offenders based on the offenders' risk level. For risk level I offenders (evaluated as the lowest level of risk within the larger community), a law enforcement agency may only disclose information about the offenders to specified persons and entities: e.g., schools, victims, witnesses. In contrast, for risk level III offenders (evaluated as the most risky to the community), a law enforcement agency may disclose information about the offenders to the public at large.

Summary of Bill: A person is guilty of distributing a false sex offender community notification bulletin if he or she, with the intent to alarm, harass, or intimidate any other person, distributes information designed to resemble a sex offender community notification bulletin knowing that it is not such a bulletin. Distributing a false sex offender community notification bulletin is an unranked class C felony, punishable by zero-12 months in jail.

"Sex offender community notification bulletin" is defined as a bulletin created by law enforcement for the purpose of notifying the public about a registered sex offender.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: To commit the crime that is the focus of this bill, the person must know that the notification bulletin is false. It is also necessary to prove that the person intended to alarm, harass, or intimidate another person by the false bulletin. The world is a scary enough place; we shouldn't allow the creation of unnecessary fear.

Testimony Against: None.

Who Testified: PRO: Representative Simpson.