

Sex Offenders - Risk Level, Registration & GPS Monitoring

Sex Offender Risk Level, Registration & GPS Monitoring

When an offender is released from custody and placed into the community, an “End of Sentence Review Committee” chaired by DOC evaluates the offender and determines a risk classification level. The county sheriff can change the classification with an explanation of his reasons for doing so. Once classified, a sex offender is required to register with the county sheriff in the county where the offender intends to live. The three classification levels are as follows:

Level 1: These offenders present the lowest possible risk to the community and their likelihood to re-offend is considered minimal. They normally have not exhibited predatory characteristics. Most have successfully participated or are participating in approved treatment programs. Many are first-time offenders. *Notification is given to persons authorized to receive criminal history records information, such as criminal justice agencies, state agencies working with children and families, victims and future neighbors.*

Level 2: These offenders present a moderate risk to the community and have a greater likelihood of re-offending than Level 1 offenders. They are considered higher risk because of the nature of their previous crimes and lifestyle, such as drug and alcohol abuse and other criminal activity. Some have refused to participate or failed to complete approved treatment programs. *In addition to Level 1 notification, notice is given to schools, libraries, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighborhood groups.*

Level 3: These offenders pose a high risk to the community and are a threat to re-offend if provided the opportunity. Most have prior sex crime convictions as well as other criminal convictions. Their lifestyles and choices place them in this classification. Some have predatory characteristics and may seek out further victims. They may have refused or failed to complete approved treatment programs. *In addition to Level 1 and 2 notification, notice may be given to the public at large.*

Sexually Violent Predators and sex offenders convicted of a Class A felony with forcible compulsion are required to maintain their registration for life. Others maintain registration for the statutory maximum punishment imposed for their offense. For Class B felony convictions registration must be maintained for 10 years, and for Class C felony convictions it must be maintained for 5 years.

GPS Monitoring of Sex Offenders

As of May 9, 2008 there were 43 Level Three sex offenders being monitored by the DOC under passive GPS. The estimated number for June 30, 2008 is 75, for December 31, 2008 it is 133, and for June 30, 2009 and beyond it is a total of 200 sex offenders. Those currently made eligible for GPS monitoring are sex offenders classified as Level Three who are not complying with supervision requirements or who can't or won't find a place to live or hold a job. The DOC may consider expanding the eligibility in the future to include some Level Two sex offenders that meet these same criteria.

Under House Republican proposals, all sex offenders who were Level 3, homeless, or had failed to register (a total of approximately 3,500 sex offenders) would have been placed under around-the-clock, real-time GPS monitoring by the end of 2008, resulting in a substantial increase in public safety.

During 2005-06, the Legislature passed the following bills:

SHB 2407 allowed the Indeterminate Sentence Review Board, pursuant to a recommendation by the Department of Corrections, to impose electronic monitoring on a "determinate-plus" sex offender during the period of community custody, and allowed the DOC to impose electronic monitoring on all other sex offenders during the period of community custody.

HB 2409 required sex and kidnapping offenders to provide their "complete residential" addresses when registering; decreased the time within which sex and kidnapping offenders coming from another state must register from 30 days to three business days; required written notices by a sex or kidnapping offender who moved or became homeless to be signed and sent to the county sheriff; clarified that any knowing non-compliance with the registration statute was a crime; clarified that a "covered offender," for purposes of the crime of criminal trespass against children, included only registered sex offenders; clarified the circumstances under which a covered entity may give written permission to a covered offender to come back on the premises, and allowed a covered offender to appeal to superior court to challenge his or her designation as a covered offender.

SSB 6144 expanded the number of out-of-state sex and kidnapping offenders subject to the registration statute, and shortened the period within which out-of-state sex and kidnapping offenders must register.

2SSB 6319 clarified that any knowing non-compliance with the registration statute constitutes failure to register as a sex offender, and increased the penalty for failure to register as a sex offender.

SSB 6519 allowed a registered sex or kidnapping offender's photograph to be updated, required a Level II or III sex offender with a fixed residence to re-register every 90 days, and allowed the offender to petition the superior court after five years to end the 90-day reporting requirement.

SB 6576 required the county sheriff to forward information about a registered sex offender's risk level to the Washington State Patrol for inclusion in the WSP central registry.

During 2007-08 the Legislature passed the following bills:

HB 2786 provided that information regarding Level I sex offenders who failed to maintain their registration as required by state law be posted on the statewide sex offender notification web site.

2SHB 2713 expanded the DNA database to include information from all persons required to register as a sex offender and from all persons convicted of certain gross misdemeanors and misdemeanors considered precursor crimes to felony sex offenses.

2SHB 2714 increased the penalty for felony-level failure to register as a sex offender from a class C felony to a class B felony.

The following House Republican bills failed to pass during 2007-08:

Updated June 2008

HB 2440 required the electronic monitoring of registered sex offenders who were classified as a risk level III, had registered as homeless or transient, or had a prior conviction for failure to register.

HB 2446 increased the penalty for sex offenders who failed to register by re-ranking failure to register as a sex offender from a seriousness Level II to a seriousness Level IV. This would have ensured sex offenders would spend at least one year in prison upon a conviction for their first and any subsequent convictions for the failure to register

HB 2444 required registered sex offenders to submit information regarding any e-mail addresses and websites they had created or were operating, with failure to provide such information a violation of the failure to register statute.

HB 2442 provided for disclosure to the public at large of information about risk Level I and II sex offenders who had a conviction for failure to register, and information regarding risk Level I sex offenders who had a prior failure to register conviction to be included on the statewide sex offender website.

HB 2439 required prison and jail authorities to determine the immigration status of convicted sex offenders in their custody and to release sex offenders who had completed their term of incarceration and were subject to deportation into the custody of federal authorities or at a federal facility used to house persons awaiting deportation.

HB 2441 required law enforcement agencies to enter into assistance compacts with the federal Department of Homeland Security to help enforce immigration laws as they pertain to sex offenders who had been classified as a risk Level III, had been convicted of a sex offense against a minor victim, or had a prior conviction for failure to register.