

2 **SHB 1997** - S COMM AMD
3 By Committee on Ways & Means

4 ADOPTED 4/15/91 - Voice Vote
5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. The legislature finds that sex offender
8 registration has assisted law enforcement agencies in protecting their
9 communities. This act is intended to clarify and amend the deadlines
10 for sex offenders to register. This act's clarification or amendment
11 of RCW 9A.44.130 does not relieve the obligation of sex offenders to
12 comply with the registration requirements of RCW 9A.44.130 as that
13 statute exists before the effective date of this act."

14 "Sec. 2. RCW 9A.44.130 and 1990 c 3 s 402 are each amended to read
15 as follows:

16 (1) Any adult or juvenile residing in this state who has been found
17 to have committed or has been convicted of any sex offense shall
18 register with the county sheriff for the county of the person's
19 residence.

20 (2) The person shall ~~((, within forty five days of establishing~~
21 ~~residence in Washington, or if a current resident within thirty days of~~
22 ~~release from confinement, if any,))~~ provide the county sheriff with the
23 following information when registering: (a) Name; (b) address; (c)
24 date and place of birth; (d) place of employment; ~~((+d))~~ (e) crime for
25 which convicted; ~~((+e))~~ (f) date and place of conviction; ~~((+f))~~ (g)
26 aliases used; and ~~((+g))~~ (h) social security number.

1 (3)(a) Sex offenders shall register within the following deadlines.
2 For purposes of this section the term "conviction" refers to adult
3 convictions and juvenile adjudications for sex offenses:

4 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex
5 offense on, before, or after February 28, 1990, and who, on or after
6 the effective date of this act, are in custody, as a result of that
7 offense, of the state department of corrections, the state department
8 of social and health services, a local division of youth services, or
9 a local jail or juvenile detention facility, must register within
10 twenty-four hours from the time of release with the county sheriff for
11 the county of the person's residence. The agency that has jurisdiction
12 over the offender shall provide notice to the sex offender of the duty
13 to register. Failure to register within twenty-four hours of release
14 constitutes a violation of this section and is punishable as provided
15 in subsection (7) of this section.

16 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
17 JURISDICTION. Sex offenders, who, on the effective date of this act,
18 are not in custody but are under the jurisdiction of the indeterminate
19 sentence review board or under the active supervision of the state
20 department of corrections, the state department of social and health
21 services, or a local division of youth services, for sex offenses
22 committed before, on, or after February 28, 1990, must register within
23 ten days of the effective date of this act.

24 (iii) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex
25 offenders who are convicted of a sex offense on or after the effective
26 date of this act for a sex offense that was committed on or after
27 February 28, 1990, but who are not sentenced to serve a term of
28 confinement immediately upon sentencing, shall report to the county
29 sheriff to register immediately upon completion of being sentenced.

1 (iv) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
2 RESIDENTS. Sex offenders who move to Washington state from another
3 state that are not under the jurisdiction of the state department of
4 corrections, the indeterminate sentence review board, or the state
5 department of social and health services at the time of moving to
6 Washington, must register within thirty days of establishing residence
7 or reestablishing residence if the person is a former Washington
8 resident. The duty to register under this subsection applies to sex
9 offenders convicted under the laws of another state, federal statutes,
10 or Washington state for offenses committed on or after February 28,
11 1990. Sex offenders from other states who, when they move to
12 Washington, are under the jurisdiction of the department of
13 corrections, the indeterminate sentence review board, or the department
14 of social and health services must register within twenty-four hours of
15 moving to Washington. The agency that has jurisdiction over the
16 offender shall notify the offender of the registration requirements
17 before the offender moves to Washington.

18 (b) Failure to register within the time required under this section
19 constitutes a per se violation of this section and is punishable as
20 provided in subsection (7) of this section. The county sheriff shall
21 not be required to determine whether the person is living within the
22 county.

23 (c) An arrest on charges of failure to register, service of an
24 information, or a complaint for a violation of this section, or
25 arraignment on charges for a violation of this section, constitutes
26 actual notice of the duty to register. Any person charged with the
27 crime of failure to register under this section who asserts as a
28 defense the lack of notice of the duty to register shall register
29 immediately following actual notice of the duty through arrest,
30 service, or arraignment. Failure to register as required under this

1 subsection (c) constitutes grounds for filing another charge of failing
2 to register. Registering following arrest, service, or arraignment on
3 charges shall not relieve the offender from criminal liability for
4 failure to register prior to the filing of the original charge.

5 (d) The deadlines for the duty to register under this section do
6 not relieve any sex offender of the duty to register under this section
7 as it existed prior to the effective date of this act.

8 (4) If any person required to register pursuant to this section
9 changes his or her residence address within the same county, the person
10 must send written notice of the change of address to the county sheriff
11 within ten days of establishing the new residence. If any person
12 required to register pursuant to this section moves to a new county,
13 the person must register with the county sheriff in the new county
14 within ten days of establishing the new residence. The person must
15 also send written notice within ten days of the change of address in
16 the new county to the county sheriff with whom the person last
17 registered.

18 ~~((4))~~ (5) The county sheriff shall obtain a photograph of the
19 individual and shall obtain a copy of the individual's fingerprints.

20 ~~((5))~~ (6) "Sex offense" for the purpose of RCW 9A.44.130,
21 10.01.200, 43.43.540, 70.48.470, and 72.09.330 means any offense
22 defined as a sex offense by RCW 9.94A.030(

23 ~~(a) Committed on or after February 28, 1990; or~~

24 ~~(b) Committed prior to February 28, 1990, if the person, as a~~
25 ~~result of the offense, is under the custody or active supervision of~~
26 ~~the department of corrections or the department of social and health~~
27 ~~services on or after February 28, 1990)).~~

28 ~~((6))~~ (7) A person who knowingly fails to register as required by
29 this section is guilty of a class C felony if the crime for which the
30 individual was convicted was a class A felony or a federal or out-of-

1 state conviction for an offense that under the laws of this state would
2 be a class A felony. If the crime was other than a class A felony or
3 a federal or out-of-state conviction for an offense that under the laws
4 of this state would be a class A felony, violation of this section is
5 a gross misdemeanor."

6 "Sec. 3. RCW 9A.44.140 and 1990 c 3 s 408 are each amended to read
7 as follows:

8 (1) The duty to register under RCW 9A.44.130 shall end:

9 (a) For a person convicted of a class A felony: Such person may
10 only be relieved of the duty to register under subsection (2) or (3) of
11 this section.

12 (b) For a person convicted of a class B felony: Fifteen years
13 after the last date of release from confinement, if any, (including
14 full-time residential treatment) pursuant to the conviction, or entry
15 of the judgment and sentence, if the person has spent fifteen
16 consecutive years in the community without being convicted of any new
17 offenses.

18 (c) For a person convicted of a class C felony: Ten years after
19 the last date of release from confinement, if any, (including full-time
20 residential treatment) pursuant to the conviction, or entry of the
21 judgment and sentence, if the person has spent ten consecutive years in
22 the community without being convicted of any new offenses.

23 (2) Any person having a duty to register under RCW 9A.44.130 may
24 petition the superior court to be relieved of that duty. The petition
25 shall be made to the court in which the petitioner was convicted of the
26 offense that subjects him or her to the duty to register, or, in the
27 case of convictions in other states, to the court in Thurston county.
28 The prosecuting attorney of the county shall be named and served as the
29 respondent in any such petition. The court shall consider the nature

1 of the registrable offense committed, and the criminal and relevant
2 noncriminal behavior of the petitioner both before and after
3 conviction, and may consider other factors. Except as provided in
4 subsection (3) of this section, the court may relieve the petitioner of
5 the duty to register only if the petitioner shows, with clear and
6 convincing evidence, that future registration of the petitioner will
7 not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540,
8 46.20.187, 70.48.470, and 72.09.330.

9 (3) An offender having a duty to register under RCW 9A.44.130 for
10 a sex offense committed when the offender was a juvenile may petition
11 the superior court to be relieved of that duty. The court shall
12 consider the nature of the registrable offense committed, and the
13 criminal and relevant noncriminal behavior of the petitioner both
14 before and after adjudication, and may consider other factors. The
15 court may relieve the petitioner of the duty to register for a sex
16 offense that was committed while the petitioner was fifteen years of
17 age or older only if the petitioner shows, with clear and convincing
18 evidence, that future registration of the petitioner will not serve the
19 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,
20 and 72.09.330. The court may relieve the petitioner of the duty to
21 register for a sex offense that was committed while the petitioner was
22 under the age of fifteen if the petitioner (a) has not been adjudicated
23 of any additional sex offenses during the twenty-four months following
24 the adjudication for the sex offense giving rise to the duty to
25 register, and (b) the petitioner proves by a preponderance of the
26 evidence that future registration of the petitioner will not serve the
27 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,
28 and 72.09.330.

