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HOUSE BILL 2611

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State of Washington

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By Representatives Johanson, Morris, Long, Heavey, Eide, Appelwick, Forner, Brumsickle, Shin, Campbell, Sheldon, Quall, Jones, Brough, Schoesler, Moak, Kremen, Silver, Kessler, L. Thomas, Springer, Tate, Mielke, Cooke, Van Luven, Talcott, Reams and Chandler

Read first time 01/19/94. Referred to Committee on Corrections.

1 AN ACT Relating to registration of sex offenders; amending RCW  
2 9A.44.130; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.44.130 and 1991 c 274 s 2 are each amended to read  
5 as follows:

6 (1) Any adult or juvenile residing in this state who has been found  
7 to have committed or has been convicted of any sex offense shall  
8 register with the county sheriff for the county of the person's primary  
9 residence. A person required to register as a sex offender shall not  
10 register in more than one county.

11 (2) The person shall provide the county sheriff with the following  
12 information when registering: (a) Name; (b) address; (c) date and  
13 place of birth; (d) place of employment; (e) crime for which convicted;  
14 (f) date and place of conviction; (g) aliases used; and (h) social  
15 security number.

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

1 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex  
2 offense on, before, or after February 28, 1990, and who, on or after  
3 July 28, 1991, are in custody, as a result of that offense, of the  
4 state department of corrections, the state department of social and  
5 health services, a local division of youth services, or a local jail or  
6 juvenile detention facility, must register within twenty-four hours  
7 from the time of release with the county sheriff for the county of the  
8 person's residence. The agency that has jurisdiction over the offender  
9 shall provide notice to the sex offender of the duty to register.  
10 Failure to register within twenty-four hours of release constitutes a  
11 violation of this section and is punishable as provided in subsection  
12 (7) of this section.

13 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
14 JURISDICTION. Sex offenders, who, on July 28, 1991, are not in custody  
15 but are under the jurisdiction of the indeterminate sentence review  
16 board or under the active supervision of the state department of  
17 corrections, the state department of social and health services, or a  
18 local division of youth services, for sex offenses committed before,  
19 on, or after February 28, 1990, must register within ten days of July  
20 28, 1991.

21 (iii) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex  
22 offenders who are convicted of a sex offense on or after July 28, 1991,  
23 for a sex offense that was committed on or after February 28, 1990, but  
24 who are not sentenced to serve a term of confinement immediately upon  
25 sentencing, shall report to the county sheriff to register immediately  
26 upon completion of being sentenced.

27 (iv) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
28 RESIDENTS. Sex offenders who move to Washington state from another  
29 state that are not under the jurisdiction of the state department of  
30 corrections, the indeterminate sentence review board, or the state  
31 department of social and health services at the time of moving to  
32 Washington, must register within thirty days of establishing residence  
33 or reestablishing residence if the person is a former Washington  
34 resident. The duty to register under this subsection applies to sex  
35 offenders convicted under the laws of another state, federal statutes,  
36 or Washington state for offenses committed on or after February 28,  
37 1990. Sex offenders from other states who, when they move to  
38 Washington, are under the jurisdiction of the department of  
39 corrections, the indeterminate sentence review board, or the department

1 of social and health services must register within twenty-four hours of  
2 moving to Washington. The agency that has jurisdiction over the  
3 offender shall notify the offender of the registration requirements  
4 before the offender moves to Washington.

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

10 (c) An arrest on charges of failure to register, service of an  
11 information, or a complaint for a violation of this section, or  
12 arraignment on charges for a violation of this section, constitutes  
13 actual notice of the duty to register. Any person charged with the  
14 crime of failure to register under this section who asserts as a  
15 defense the lack of notice of the duty to register shall register  
16 immediately following actual notice of the duty through arrest,  
17 service, or arraignment. Failure to register as required under this  
18 subsection (c) constitutes grounds for filing another charge of failing  
19 to register. Registering following arrest, service, or arraignment on  
20 charges shall not relieve the offender from criminal liability for  
21 failure to register prior to the filing of the original charge.

22 (d) The deadlines for the duty to register under this section do  
23 not relieve any sex offender of the duty to register under this section  
24 as it existed prior to July 28, 1991.

25 (4) If any person required to register pursuant to this section  
26 changes his or her residence address within the same county, the person  
27 must send written notice of the change of address to the county sheriff  
28 within ten days of establishing the new residence. If any person  
29 required to register pursuant to this section moves to a new county,  
30 the person must register with the county sheriff in the new county  
31 within ten days of establishing the new residence. The person must  
32 also send written notice within ten days of the change of address in  
33 the new county to the county sheriff with whom the person last  
34 registered.

35 (5) The county sheriff shall obtain a photograph of the individual  
36 and shall obtain a copy of the individual's fingerprints.

37 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,  
38 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex  
39 offense by RCW 9.94A.030.

1       (7) A person who knowingly fails to register as required by this  
2 section is guilty of a class C felony (~~(if the crime for which the~~  
3 ~~individual was convicted was a class A felony or a federal or out-of-~~  
4 ~~state conviction for an offense that under the laws of this state would~~  
5 ~~be a class A felony. If the crime was other than a class A felony or~~  
6 ~~a federal or out-of-state conviction for an offense that under the laws~~  
7 ~~of this state would be a class A felony, violation of this section is~~  
8 ~~a gross misdemeanor)).~~

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