

1 **SB 5239** - H COMM AMD **ADOPTED 4/4/95**

2 By Committee on Corrections

3 On page 4, after line 11, insert the following:

4 "Sec. 2. RCW 9A.44.140 and 1991 c 274 s 3 are each amended to
5 read as follows:

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

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

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

16 (c) For a person convicted of a class C felony or any
17 violation of RCW 9.68A.090: Ten years after the last date of
18 release from confinement, if any, (including full-time residential
19 treatment) pursuant to the conviction, or entry of the judgment and
20 sentence, if the person has spent ten consecutive years in the
21 community without being convicted of any new offenses.

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

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

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

29 (4) Unless relieved of the duty to register pursuant to this
30 section, a violation of RCW 9A.44.130 is an ongoing offense for
31 purposes of the statute of limitations under RCW 9A.04.080.

1 (5) Nothing in RCW 9.94A.220 relating to discharge of an
2 offender shall be construed as operating to relieve the offender of
3 his or her duty to register pursuant to RCW 9A.44.130."

4 Correct the title accordingly.

EFFECT: Adds a provision addressing how long a person must
be registered as a sex offender for committing a gross
misdemeanor offense of communicating with a minor for immoral
purposes. Such an offender must be registered for 10 years,
unless a judge orders otherwise.