

1 **SSB 6274** - H AMD TO APP COMM AMD (H5354.1) **433 ADOPTED 3-1-96**  
2 By Representatives D. Sommers and others

3 On page 35 of the amendment, after line 7, insert the  
4 following:

5 "Sec. 14. RCW 9A.44.130 and 1995 c 268 s 3, 1995 c 248 s 1,  
6 and 1995 c 195 s 1 are each reenacted and amended to read as  
7 follows:

8 (1) Any adult or juvenile residing in this state who has been  
9 found to have committed or has been convicted of any sex offense,  
10 or who has been found not guilty by reason of insanity under  
11 chapter 10.77 RCW of committing any sex offense, shall register  
12 with the county sheriff for the county of the person's residence.

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

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

22 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a  
23 sex offense on, before, or after February 28, 1990, and who, on or  
24 after July 28, 1991, are in custody, as a result of that offense,  
25 of the state department of corrections, the state department of  
26 social and health services, a local division of youth services, or  
27 a local jail or juvenile detention facility, must register within  
28 twenty-four hours from the time of release with the county sheriff  
29 for the county of the person's residence. The agency that has  
30 jurisdiction over the offender shall provide notice to the sex  
31 offender of the duty to register. Failure to register within

1 twenty-four hours of release constitutes a violation of this  
2 section and is punishable as provided in subsection (7) of this  
3 section.

4 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
5 JURISDICTION. Sex offenders, who, on July 28, 1991, are not in  
6 custody but are under the jurisdiction of the indeterminate  
7 sentence review board or under the department of correction's  
8 active supervision, as defined by the department of corrections,  
9 the state department of social and health services, or a local  
10 division of youth services, for sex offenses committed before, on,  
11 or after February 28, 1990, must register within ten days of July  
12 28, 1991. A change in supervision status of a sex offender who was  
13 required to register under this subsection (3)(a)(ii) as of July  
14 28, 1991, shall not relieve the offender of the duty to register or  
15 to reregister following a change in residence. The obligation to  
16 register shall only cease pursuant to RCW 9A.44.140.

17 (iii) SEX OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders  
18 who, on or after July 23, 1995, as a result of that offense are in  
19 the custody of the United States bureau of prisons or other federal  
20 or military correctional agency for sex offenses committed before,  
21 on, or after February 28, 1990, must register within twenty-four  
22 hours from the time of release with the county sheriff for the  
23 county of the person's residence. Sex offenders who, on July 23,  
24 1995, are not in custody but are under the jurisdiction of the  
25 United States bureau of prisons, United States courts, United  
26 States parole commission, or military parole board for sex offenses  
27 committed before, on, or after February 28, 1990, must register  
28 within ten days of July 23, 1995. A change in supervision status  
29 of a sex offender who was required to register under this  
30 subsection (3)(a)(iii) as of July 23, 1995, shall not relieve the  
31 offender of the duty to register or to reregister following a  
32 change in residence. The obligation to register shall only cease  
33 pursuant to RCW 9A.44.140.

1 (iv) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex  
2 offenders who are convicted of a sex offense on or after July 28,  
3 1991, for a sex offense that was committed on or after February 28,  
4 1990, but who are not sentenced to serve a term of confinement  
5 immediately upon sentencing, shall report to the county sheriff to  
6 register immediately upon completion of being sentenced.

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

26 (vi) SEX OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.  
27 Any adult or juvenile who has been found not guilty by reason of  
28 insanity under chapter 10.77 RCW of committing a sex offense on,  
29 before, or after February 28, 1990, and who, on or after July 23,  
30 1995, is in custody, as a result of that finding, of the state  
31 department of social and health services, must register within  
32 twenty-four hours from the time of release with the county sheriff  
33 for the county of the person's residence. The state department of

1 social and health services shall provide notice to the adult or  
2 juvenile in its custody of the duty to register. Any adult or  
3 juvenile who has been found not guilty by reason of insanity of  
4 committing a sex offense on, before, or after February 28, 1990,  
5 but who was released prior to July 23, 1995, shall be required to  
6 register within twenty-four hours of receiving notice of this  
7 registration requirement. The state department of social and  
8 health services shall make reasonable attempts within available  
9 resources to notify offenders who were released prior to July 23,  
10 1995. Failure to register within twenty-four hours of release, or  
11 of receiving notice, constitutes a violation of this section and is  
12 punishable as provided in subsection (7) of this section.

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

18 (c) An arrest on charges of failure to register, service of an  
19 information, or a complaint for a violation of this section, or  
20 arraignment on charges for a violation of this section, constitutes  
21 actual notice of the duty to register. Any person charged with the  
22 crime of failure to register under this section who asserts as a  
23 defense the lack of notice of the duty to register shall register  
24 immediately following actual notice of the duty through arrest,  
25 service, or arraignment. Failure to register as required under  
26 this subsection (c) constitutes grounds for filing another charge  
27 of failing to register. Registering following arrest, service, or  
28 arraignment on charges shall not relieve the offender from criminal  
29 liability for failure to register prior to the filing of the  
30 original charge.

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

1           (4)(a) If any person required to register pursuant to this  
2 section changes his or her residence address within the same  
3 county, the person must send written notice of the change of  
4 address to the county sheriff (~~((within ten))~~) at least fourteen days  
5 ~~((of))~~ before moving. If any person required to register pursuant  
6 to this section moves to a new county, the person must send written  
7 notice of the change of address at least fourteen days before  
8 moving to the county sheriff in the new county of residence and  
9 must register with ((the)) that county sheriff ((in the new  
10 county)) within ((ten days)) twenty-four hours of moving. The  
11 person must also send written notice within ten days of the change  
12 of address in the new county to the county sheriff with whom the  
13 person last registered. If any person required to register  
14 pursuant to this section moves out of Washington state, the person  
15 must also send written notice within ten days of moving to the new  
16 state or a foreign country to the county sheriff with whom the  
17 person last registered in Washington state.

18           (b) It is an affirmative defense to a charge that the person  
19 failed to send a notice at least fourteen days in advance of moving  
20 as required under (a) of this subsection that the person did not  
21 know the location of his or her new residence at least fourteen  
22 days before moving. The defendant must establish the defense by a  
23 preponderance of the evidence and, to prevail on the defense, must  
24 also prove by a preponderance that the defendant sent the required  
25 notice within twenty-four hours of determining the new address.

26           (5) The county sheriff shall obtain a photograph of the  
27 individual and shall obtain a copy of the individual's  
28 fingerprints.

29           (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,  
30 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a  
31 sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.090 or  
32 9A.44.096 as well as any gross misdemeanor that is, under chapter  
33 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal

1 conspiracy to commit an offense that is classified as a sex offense  
2 under RCW 9.94A.030.

3 (7) A person who knowingly fails to register or who moves  
4 without notifying the county sheriff as required by this section is  
5 guilty of a class C felony if the crime for which the individual  
6 was convicted was a class A felony or a federal or out-of-state  
7 conviction for an offense that under the laws of this state would  
8 be a class A felony. If the crime was other than a class A felony  
9 or a federal or out-of-state conviction for an offense that under  
10 the laws of this state would be a class A felony, violation of this  
11 section is a gross misdemeanor.

12  
13 **Sec. 15.** RCW 9A.44.140 and 1995 c 268 s 4, 1995 c 248 s 2,  
14 and 1995 c 195 s 2 are each reenacted and amended to read as  
15 follows:

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

17 (a) For a person convicted of a class A felony: Such person  
18 may only be relieved of the duty to register under subsection (3)  
19 or (4) of this section.

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

26 (c) For a person convicted of a class C felony (~~(or any)~~), a  
27 violation of RCW 9.68A.090 or 9A.44.096, or an attempt,  
28 solicitation, or conspiracy to commit a class C felony: Ten years  
29 after the last date of release from confinement, if any, (including  
30 full-time residential treatment) pursuant to the conviction, or  
31 entry of the judgment and sentence, if the person has spent ten  
32 consecutive years in the community without being convicted of any  
33 new offenses.

1 (2) The provisions of subsection (1) of this section shall  
2 apply equally to a person who has been found not guilty by reason  
3 of insanity under chapter 10.77 RCW of a sex offense.

4 (3) Any person having a duty to register under RCW 9A.44.130  
5 may petition the superior court to be relieved of that duty. The  
6 petition shall be made to the court in which the petitioner was  
7 convicted of the offense that subjects him or her to the duty to  
8 register, or, in the case of convictions in other states, a foreign  
9 country, or a federal or military court, to the court in Thurston  
10 county. The prosecuting attorney of the county shall be named and  
11 served as the respondent in any such petition. 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 conviction, and may consider other factors.  
15 Except as provided in subsection (4) of this section, the court may  
16 relieve the petitioner of the duty to register only if the  
17 petitioner shows, with clear and convincing evidence, that future  
18 registration of the petitioner will not serve the purposes of RCW  
19 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and  
20 72.09.330.

21 (4) An offender having a duty to register under RCW 9A.44.130  
22 for a sex offense committed when the offender was a juvenile may  
23 petition the superior court to be relieved of that duty. The court  
24 shall consider the nature of the registrable offense committed, and  
25 the criminal and relevant noncriminal behavior of the petitioner  
26 both before and after adjudication, and may consider other factors.  
27 The court may relieve the petitioner of the duty to register for a  
28 sex offense that was committed while the petitioner was fifteen  
29 years of age or older only if the petitioner shows, with clear and  
30 convincing evidence, that future registration of the petitioner  
31 will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540,  
32 46.20.187, 70.48.470, and 72.09.330. The court may relieve the  
33 petitioner of the duty to register for a sex offense that was

1 committed while the petitioner was under the age of fifteen if the  
2 petitioner (a) has not been adjudicated of any additional sex  
3 offenses during the twenty-four months following the adjudication  
4 for the sex offense giving rise to the duty to register, and (b)  
5 the petitioner proves by a preponderance of the evidence that  
6 future registration of the petitioner will not serve the purposes  
7 of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and  
8 72.09.330.

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

12 (6) Nothing in RCW 9.94A.220 relating to discharge of an  
13 offender shall be construed as operating to relieve the offender of  
14 his or her duty to register pursuant to RCW 9A.44.130."

15  
16 Renumber the remaining sections consecutively, and correct any  
17 internal references and the bill title accordingly.

18  
19  
**EFFECT:** The amendment makes changes in two areas: (1) Under  
current law, a registered sex offender need not notify the  
county sheriff of a change in address until 10 days after the  
move. The amendment changes this requirement to at least 14  
days prior to the move. An offender moving to a new county  
would also have to register with the new county within 24  
hours of moving. An affirmative defense is provided for sex  
offenders who did not know of their new address at least 14  
days prior to moving. (2) The list of offenses which require  
sex offender registration is expanded to include the gross  
misdemeanor offense of second degree sexual misconduct with a  
minor. An offender convicted of this offense would have to  
remain registered for 10 years unless the judge shortens the  
requirement.