

2 HB 1924 - S AMD - 304

3 By Senators Goings, Long and Hargrove

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5 On page 21, after line 31, insert the following:

6 "Sec. 3. RCW 9A.44.130 and 1996 c 275 s 11 are each amended to
7 read as follows:

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

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

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

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

33 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
34 JURISDICTION. Sex offenders, who, on July 28, 1991, are not in custody
35 but are under the jurisdiction of the indeterminate sentence review

1 board or under the department of correction's active supervision, as
2 defined by the department of corrections, the state department of
3 social and health services, or a local division of youth services, for
4 sex offenses committed before, on, or after February 28, 1990, must
5 register within ten days of July 28, 1991. A change in supervision
6 status of a sex offender who was required to register under this
7 subsection (3)(a)(ii) as of July 28, 1991, shall not relieve the
8 offender of the duty to register or to reregister following a change in
9 residence. The obligation to register shall only cease pursuant to RCW
10 9A.44.140.

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

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

33 (v) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
34 RESIDENTS. Sex offenders who move to Washington state from another
35 state or a foreign country that are not under the jurisdiction of the
36 state department of corrections, the indeterminate sentence review
37 board, or the state department of social and health services at the
38 time of moving to Washington, must register within thirty days of
39 establishing residence or reestablishing residence if the person is a

1 former Washington resident. The duty to register under this subsection
2 applies to sex offenders convicted under the laws of another state or
3 a foreign country, federal or military statutes, or Washington state
4 for offenses committed on or after February 28, 1990. Sex offenders
5 from other states or a foreign country who, when they move to
6 Washington, are under the jurisdiction of the department of
7 corrections, the indeterminate sentence review board, or the department
8 of social and health services must register within twenty-four hours of
9 moving to Washington. The agency that has jurisdiction over the
10 offender shall notify the offender of the registration requirements
11 before the offender moves to Washington.

12 (vi) SEX OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any
13 adult or juvenile who has been found not guilty by reason of insanity
14 under chapter 10.77 RCW of committing a sex offense on, before, or
15 after February 28, 1990, and who, on or after July 23, 1995, is in
16 custody, as a result of that finding, of the state department of social
17 and health services, must register within twenty-four hours from the
18 time of release with the county sheriff for the county of the person's
19 residence. The state department of social and health services shall
20 provide notice to the adult or juvenile in its custody of the duty to
21 register. Any adult or juvenile who has been found not guilty by
22 reason of insanity of committing a sex offense on, before, or after
23 February 28, 1990, but who was released prior to July 23, 1995, shall
24 be required to register within twenty-four hours of receiving notice of
25 this registration requirement. The state department of social and
26 health services shall make reasonable attempts within available
27 resources to notify offenders who were released prior to July 23, 1995.
28 Failure to register within twenty-four hours of release, or of
29 receiving notice, constitutes a violation of this section and is
30 punishable as provided in subsection (7) of this section.

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

36 (c) An arrest on charges of failure to register, service of an
37 information, or a complaint for a violation of this section, or
38 arraignment on charges for a violation of this section, constitutes
39 actual notice of the duty to register. Any person charged with the

1 crime of failure to register under this section who asserts as a
2 defense the lack of notice of the duty to register shall register
3 immediately following actual notice of the duty through arrest,
4 service, or arraignment. Failure to register as required under this
5 subsection (c) constitutes grounds for filing another charge of failing
6 to register. Registering following arrest, service, or arraignment on
7 charges shall not relieve the offender from criminal liability for
8 failure to register prior to the filing of the original charge.

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

12 (4)(a) If any person required to register pursuant to this section
13 changes his or her residence address within the same county, the person
14 must send written notice of the change of address to the county sheriff
15 at least fourteen days before moving. If any person required to
16 register pursuant to this section moves to a new county, the person
17 must send written notice of the change of address at least fourteen
18 days before moving to the county sheriff in the new county of residence
19 and must register with that county sheriff within twenty-four hours of
20 moving. The person must also send written notice within ten days of
21 the change of address in the new county to the county sheriff with whom
22 the person last registered. If any person required to register
23 pursuant to this section moves out of Washington state, the person must
24 also send written notice within ten days of moving to the new state or
25 a foreign country to the county sheriff with whom the person last
26 registered in Washington state.

27 (b) It is an affirmative defense to a charge that the person failed
28 to send a notice at least fourteen days in advance of moving as
29 required under (a) of this subsection that the person did not know the
30 location of his or her new residence at least fourteen days before
31 moving. The defendant must establish the defense by a preponderance of
32 the evidence and, to prevail on the defense, must also prove by a
33 preponderance that the defendant sent the required notice within
34 twenty-four hours of determining the new address.

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 and any violation of RCW 9.68A.090 or

1 9A.44.096 as well as any gross misdemeanor that is, under chapter 9A.28
2 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy
3 to commit an offense that is classified as a sex offense under RCW
4 9.94A.030.

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

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17 On page 1, line 2 of the title, after ".320" strike all material
18 through "120" and insert ", 9.94A.120, and 9.94A.130"

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EFFECT: Makes it a felony to fail to register as a sex offender following conviction of a felony sex offense.