

2 **SHB 2368** - S COMM AMD

3 By Committee on Human Services & Corrections

4 ADOPTED 3/4/98

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 9A.44.130 and 1997 c 340 s 3 and 1997 c 113 s 3 are
8 each reenacted and amended to read as follows:

9 (1) Any adult or juvenile residing in this state who has been found
10 to have committed or has been convicted of any sex offense or
11 kidnapping offense, or who has been found not guilty by reason of
12 insanity under chapter 10.77 RCW of committing any sex offense or
13 kidnapping offense, shall register with the county sheriff for the
14 county of the person's residence. In addition, any such adult or
15 juvenile who is admitted to a public or private institution of higher
16 education shall, within ten days of enrolling or by the first business
17 day after arriving at the institution, whichever is earlier, notify the
18 sheriff for the county of the person's residence of the person's intent
19 to attend the institution. Persons required to register under this
20 section who are enrolled in a public or private institution of higher
21 education on the effective date of this act must notify the county
22 sheriff immediately. The sheriff shall notify the institution's
23 department of public safety and shall provide that department with the
24 same information provided to a county sheriff under subsection (3) of
25 this section.

26 (2) This section may not be construed to confer any powers pursuant
27 to RCW 4.24.500 upon the public safety department of any public or
28 private institution of higher education.

29 (3) The person shall provide the county sheriff with the following
30 information when registering: (a) Name; (b) address; (c) date and
31 place of birth; (d) place of employment; (e) crime for which convicted;
32 (f) date and place of conviction; (g) aliases used; and (h) social
33 security number.

34 ((+3)) (4)(a) Offenders shall register with the county sheriff
35 within the following deadlines. For purposes of this section the term

1 "conviction" refers to adult convictions and juvenile adjudications for
2 sex offenses or kidnapping offenses:

3 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
4 offense on, before, or after February 28, 1990, and who, on or after
5 July 28, 1991, are in custody, as a result of that offense, of the
6 state department of corrections, the state department of social and
7 health services, a local division of youth services, or a local jail or
8 juvenile detention facility, and (B) kidnapping offenders who on or
9 after July 27, 1997, are in custody of the state department of
10 corrections, the state department of social and health services, a
11 local division of youth services, or a local jail or juvenile detention
12 facility, must register within twenty-four hours from the time of
13 release with the county sheriff for the county of the person's
14 residence. The agency that has jurisdiction over the offender shall
15 provide notice to the offender of the duty to register. Failure to
16 register within twenty-four hours of release constitutes a violation of
17 this section and is punishable as provided in subsection (~~(7)~~) (8) of
18 this section.

19 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
20 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
21 but are under the jurisdiction of the indeterminate sentence review
22 board or under the department of correction's active supervision, as
23 defined by the department of corrections, the state department of
24 social and health services, or a local division of youth services, for
25 sex offenses committed before, on, or after February 28, 1990, must
26 register within ten days of July 28, 1991. Kidnapping offenders who,
27 on July 27, 1997, are not in custody but are under the jurisdiction of
28 the indeterminate sentence review board or under the department of
29 correction's active supervision, as defined by the department of
30 corrections, the state department of social and health services, or a
31 local division of youth services, for kidnapping offenses committed
32 before, on, or after July 27, 1997, must register within ten days of
33 July 27, 1997. A change in supervision status of a sex offender who
34 was required to register under this subsection (~~(3)~~) (4)(a)(ii) as of
35 July 28, 1991, or a kidnapping offender required to register as of July
36 27, 1997, shall not relieve the offender of the duty to register or to
37 reregister following a change in residence. The obligation to register
38 shall only cease pursuant to RCW 9A.44.140.

1 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
2 or after July 23, 1995, and kidnapping offenders who, on or after July
3 27, 1997, as a result of that offense are in the custody of the United
4 States bureau of prisons or other federal or military correctional
5 agency for sex offenses committed before, on, or after February 28,
6 1990, or kidnapping offenses committed on, before, or after July 27,
7 1997, must register within twenty-four hours from the time of release
8 with the county sheriff for the county of the person's residence. Sex
9 offenders who, on July 23, 1995, are not in custody but are under the
10 jurisdiction of the United States bureau of prisons, United States
11 courts, United States parole commission, or military parole board for
12 sex offenses committed before, on, or after February 28, 1990, must
13 register within ten days of July 23, 1995. Kidnapping offenders who,
14 on July 27, 1997, are not in custody but are under the jurisdiction of
15 the United States bureau of prisons, United States courts, United
16 States parole commission, or military parole board for kidnapping
17 offenses committed before, on, or after July 27, 1997, must register
18 within ten days of July 27, 1997. A change in supervision status of a
19 sex offender who was required to register under this subsection ((+3))
20 (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to
21 register as of July 27, 1997 shall not relieve the offender of the duty
22 to register or to reregister following a change in residence. The
23 obligation to register shall only cease pursuant to RCW 9A.44.140.

24 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
25 who are convicted of a sex offense on or after July 28, 1991, for a sex
26 offense that was committed on or after February 28, 1990, and
27 kidnapping offenders who are convicted on or after July 27, 1997, for
28 a kidnapping offense that was committed on or after July 27, 1997, but
29 who are not sentenced to serve a term of confinement immediately upon
30 sentencing, shall report to the county sheriff to register immediately
31 upon completion of being sentenced.

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

1 register under this subsection applies to sex offenders convicted under
2 the laws of another state or a foreign country, federal or military
3 statutes, or Washington state for offenses committed on or after
4 February 28, 1990, and to kidnapping offenders convicted under the laws
5 of another state or a foreign country, federal or military statutes, or
6 Washington state for offenses committed on or after July 27, 1997. Sex
7 offenders and kidnapping offenders from other states or a foreign
8 country who, when they move to Washington, are under the jurisdiction
9 of the department of corrections, the indeterminate sentence review
10 board, or the department of social and health services must register
11 within twenty-four hours of moving to Washington. The agency that has
12 jurisdiction over the offender shall notify the offender of the
13 registration requirements before the offender moves to Washington.

14 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
15 or juvenile who has been found not guilty by reason of insanity under
16 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
17 February 28, 1990, and who, on or after July 23, 1995, is in custody,
18 as a result of that finding, of the state department of social and
19 health services, or (B) committing a kidnapping offense on, before, or
20 after July 27, 1997, and who on or after July 27, 1997, is in custody,
21 as a result of that finding, of the state department of social and
22 health services, must register within twenty-four hours from the time
23 of release with the county sheriff for the county of the person's
24 residence. The state department of social and health services shall
25 provide notice to the adult or juvenile in its custody of the duty to
26 register. Any adult or juvenile who has been found not guilty by
27 reason of insanity of committing a sex offense on, before, or after
28 February 28, 1990, but who was released before July 23, 1995, or any
29 adult or juvenile who has been found not guilty by reason of insanity
30 of committing a kidnapping offense but who was released before July 27,
31 1997, shall be required to register within twenty-four hours of
32 receiving notice of this registration requirement. The state
33 department of social and health services shall make reasonable attempts
34 within available resources to notify sex offenders who were released
35 before July 23, 1995, and kidnapping offenders who were released before
36 July 27, 1997. Failure to register within twenty-four hours of
37 release, or of receiving notice, constitutes a violation of this
38 section and is punishable as provided in subsection (~~(7)~~) (8) of this
39 section.

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

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

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

21 (~~((+4))~~) (5)(a) If any person required to register pursuant to this
22 section changes his or her residence address within the same county,
23 the person must send written notice of the change of address to the
24 county sheriff at least fourteen days before moving. If any person
25 required to register pursuant to this section moves to a new county,
26 the person must send written notice of the change of address at least
27 fourteen days before moving to the county sheriff in the new county of
28 residence and must register with that county sheriff within twenty-four
29 hours of moving. The person must also send written notice within ten
30 days of the change of address in the new county to the county sheriff
31 with whom the person last registered. If any person required to
32 register pursuant to this section moves out of Washington state, the
33 person must also send written notice within ten days of moving to the
34 new state or a foreign country to the county sheriff with whom the
35 person last registered in Washington state.

36 (b) It is an affirmative defense to a charge that the person failed
37 to send a notice at least fourteen days in advance of moving as
38 required under (a) of this subsection that the person did not know the
39 location of his or her new residence at least fourteen days before

1 moving. The defendant must establish the defense by a preponderance of
2 the evidence and, to prevail on the defense, must also prove by a
3 preponderance that the defendant sent the required notice within
4 twenty-four hours of determining the new address.

5 ~~((+5))~~ (6) The county sheriff shall obtain a photograph of the
6 individual and shall obtain a copy of the individual's fingerprints.

7 ~~((+6))~~ (7) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
8 70.48.470, and 72.09.330:

9 (a) "Sex offense" means any offense defined as a sex offense by RCW
10 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a
11 minor), 9.68A.050 (dealing in depictions of minor engaged in sexually
12 explicit conduct), 9.68A.060 (sending, bringing into state depictions
13 of minor engaged in sexually explicit conduct), 9.68A.090
14 (communication with minor for immoral purposes), 9.68A.100 (patronizing
15 juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in
16 the second degree), as well as any gross misdemeanor that is, under
17 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
18 criminal conspiracy to commit an offense that is classified as a sex
19 offense under RCW 9.94A.030.

20 (b) "Kidnapping offense" means the crimes of kidnapping in the
21 first degree, kidnapping in the second degree, and unlawful
22 imprisonment as defined in chapter 9A.40 RCW, where the victim is a
23 minor and the offender is not the minor's parent.

24 ~~((+7))~~ (8) A person who knowingly fails to register with the
25 county sheriff or ~~((who moves without notifying))~~ notify the county
26 sheriff as required by this section is guilty of a class C felony if
27 the crime for which the individual was convicted was a felony or a
28 federal or out-of-state conviction for an offense that under the laws
29 of this state would be a felony. If the crime was other than a felony
30 or a federal or out-of-state conviction for an offense that under the
31 laws of this state would be other than a felony, violation of this
32 section is a gross misdemeanor.

33 NEW SECTION. Sec. 2. A new section is added to chapter 9A.44 RCW
34 to read as follows:

35 The state patrol shall notify registered sex and kidnapping
36 offenders of any change to the registration requirements."

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2 By Committee on Human Services & Corrections

ADOPTED 3/4/98

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4 On page 1, line 2 of the title, after "education;" strike the
5 remainder of the title and insert "reenacting and amending RCW
6 9A.44.130; and adding a new section to chapter 9A.44 RCW."

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