
SENATE BILL 6640

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By Senators Morton, Roach, Swecker, McCaslin, Fairley, Goings, Anderson, Oke and Benton

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1 AN ACT Relating to sex offender name changes; amending RCW
2 4.24.130; and reenacting and amending RCW 9A.44.130.

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

4 **Sec. 1.** RCW 4.24.130 and 1995 1st sp.s. c 19 s 14 are each amended
5 to read as follows:

6 (1) Any person desiring a change of his or her name or that of his
7 or her child or ward, may apply therefor to the district court of the
8 judicial district in which he or she resides, by petition setting forth
9 the reasons for such change; thereupon such court in its discretion may
10 order a change of the name and thenceforth the new name shall be in
11 place of the former.

12 (2) An offender under the jurisdiction of the department of
13 corrections who applies to change his or her name under subsection (1)
14 of this section shall submit a copy of the application to the
15 department of corrections not fewer than five days before the entry of
16 an order granting the name change. No offender under the jurisdiction
17 of the department of corrections at the time of application shall be
18 granted an order changing his or her name if the court finds that doing
19 so will interfere with legitimate penological interests, except that no

1 order shall be denied when the name change is requested for religious
2 or legitimate cultural reasons or in recognition of marriage or
3 dissolution of marriage. An offender under the jurisdiction of the
4 department of corrections who receives an order changing his or her
5 name shall submit a copy of the order to the department of corrections
6 within five days of the entry of the order. Violation of this
7 subsection is a misdemeanor.

8 (3) A sex offender subject to registration under RCW 9A.44.130 who
9 applies to change his or her name under subsection (1) of this section
10 shall follow the procedures set forth in RCW 9A.44.130(5).

11 (4) The district court shall collect the fees authorized by RCW
12 36.18.010 for filing and recording a name change order, and transmit
13 the fee and the order to the county auditor. The court may collect a
14 reasonable fee to cover the cost of transmitting the order to the
15 county auditor.

16 ~~((+4))~~ (5) Name change petitions may be filed and shall be heard
17 in superior court when the person desiring a change of his or her name
18 or that of his or her child or ward is a victim of domestic violence as
19 defined in RCW 26.50.010(1) and the person seeks to have the name
20 change file sealed due to reasonable fear for his or her safety or that
21 of his or her child or ward. Upon granting the name change, the
22 superior court shall seal the file if the court finds that the safety
23 of the person seeking the name change or his or her child or ward
24 warrants sealing the file. In all cases filed under this subsection,
25 whether or not the name change petition is granted, there shall be no
26 public access to any court record of the name change filing,
27 proceeding, or order, unless the name change is granted but the file is
28 not sealed.

29 **Sec. 2.** RCW 9A.44.130 and 1997 c 340 s 3 and 1997 c 113 s 3 are
30 each reenacted and amended to read as follows:

31 (1) Any adult or juvenile residing in this state who has been found
32 to have committed or has been convicted of any sex offense or
33 kidnapping offense, or who has been found not guilty by reason of
34 insanity under chapter 10.77 RCW of committing any sex offense or
35 kidnapping offense, shall register with the county sheriff for the
36 county of the person's residence.

37 (2) The person shall provide the county sheriff with the following
38 information when registering: (a) Name; (b) address; (c) date and

1 place of birth; (d) place of employment; (e) crime for which convicted;
2 (f) date and place of conviction; (g) aliases used; and (h) social
3 security number.

4 (3)(a) Offenders shall register within the following deadlines.
5 For purposes of this section the term "conviction" refers to adult
6 convictions and juvenile adjudications for sex offenses or kidnapping
7 offenses:

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

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

1 28, 1991, or a kidnapping offender required to register as of July 27,
2 1997, shall not relieve the offender of the duty to register or to
3 reregister following a change in residence. The obligation to register
4 shall only cease pursuant to RCW 9A.44.140.

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

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

36 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
37 RESIDENTS. Sex offenders and kidnapping offenders who move to
38 Washington state from another state or a foreign country that are not
39 under the jurisdiction of the state department of corrections, the

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

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

1 July 27, 1997. Failure to register within twenty-four hours of
2 release, or of receiving notice, constitutes a violation of this
3 section and is punishable as provided in subsection (~~(7)~~) (8) of this
4 section.

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)~~) (8) of this section. The county sheriff
8 shall not be required to determine whether the person is living within
9 the 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 (3)(c) constitutes grounds for filing another charge of
19 failing to register. Registering following arrest, service, or
20 arraignment on charges shall not relieve the offender from criminal
21 liability for failure to register prior to the filing of the original
22 charge.

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

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

1 a foreign country to the county sheriff with whom the person last
2 registered in Washington state.

3 (b) It is an affirmative defense to a charge that the person failed
4 to send a notice at least fourteen days in advance of moving as
5 required under (a) of this subsection that the person did not know the
6 location of his or her new residence at least fourteen days before
7 moving. The defendant must establish the defense by a preponderance of
8 the evidence and, to prevail on the defense, must also prove by a
9 preponderance that the defendant sent the required notice within
10 twenty-four hours of determining the new address.

11 (5) A sex offender subject to registration requirements under this
12 section who applies to change his or her name under RCW 4.24.130 or any
13 other law shall submit a copy of the application to the county sheriff
14 of the county of the person's residence and to the state patrol not
15 fewer than five days before the entry of an order granting the name
16 change. No sex offender under the requirement to register under this
17 section at the time of application shall be granted an order changing
18 his or her name if the court finds that doing so will interfere with
19 legitimate law enforcement interests, except that no order shall be
20 denied when the name change is requested for religious or legitimate
21 cultural reasons or in recognition of marriage or dissolution of
22 marriage. A sex offender under the requirement to register under this
23 section who receives an order changing his or her name shall submit a
24 copy of the order to the county sheriff of the county of the person's
25 residence and to the state patrol within five days of the entry of the
26 order.

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

29 (~~((6))~~) (7) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
30 70.48.470, and 72.09.330:

31 (a) "Sex offense" means any offense defined as a sex offense by RCW
32 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a
33 minor), 9.68A.050 (dealing in depictions of minor engaged in sexually
34 explicit conduct), 9.68A.060 (sending, bringing into state depictions
35 of minor engaged in sexually explicit conduct), 9.68A.090
36 (communication with minor for immoral purposes), 9.68A.100 (patronizing
37 juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in
38 the second degree), as well as any gross misdemeanor that is, under
39 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or

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

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

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

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