

2 **SHB 1004 - H AMD 0381 ADOPTED 5/17/99**

3 By Representative Ballasiotes

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

7 "**Sec. 1.** RCW 9A.44.130 and 1998 c 220 s 1 and 1998 c 139 s 1 are
8 each reenacted and amended to read as follows:

9 (1) Any adult or juvenile residing, or who is a student, is
10 employed, or carries on a vocation in this state who has been found to
11 have committed or has been convicted of any sex offense or kidnapping
12 offense, or who has been found not guilty by reason of insanity under
13 chapter 10.77 RCW of committing any sex offense or kidnapping offense,
14 shall register with the county sheriff for the county of the person's
15 residence, or if the person is not a resident of Washington, the county
16 of the person's school, or place of employment or vocation. Where a
17 person required to register under this section is in custody of the
18 state department of corrections, the state department of social and
19 health services, a local division of youth services, or a local jail or
20 juvenile detention facility as a result of a sex offense or kidnapping
21 offense, the person shall also register at the time of release from
22 custody with an official designated by the agency that has jurisdiction
23 over the person. In addition, any such adult or juvenile who is
24 admitted to a public or private institution of higher education shall,
25 within ten days of enrolling or by the first business day after
26 arriving at the institution, whichever is earlier, notify the sheriff
27 for the county of the person's residence of the person's intent to
28 attend the institution. Persons required to register under this
29 section who are enrolled in a public or private institution of higher
30 education on June 11, 1998, must notify the county sheriff immediately.
31 The sheriff shall notify the institution's department of public safety
32 and shall provide that department with the same information provided to
33 a county sheriff under subsections (3) and (4) of this section.

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

1 (3) The person shall provide the following information when
2 registering: (a) Name; (b) address; (c) date and place of birth; (d)
3 place of employment; (e) crime for which convicted; (f) date and place
4 of conviction; (g) aliases used; (h) social security number; (i)
5 photograph; and (j) fingerprints.

6 (4) Any person who lacks a fixed residence shall be deemed to
7 reside in any county where the person is physically present. Such
8 person shall report in person to the county sheriff's office within
9 twenty-four hours after entering the county. Thereafter, the person
10 shall report in person monthly, if he or she has been classified as a
11 risk level I sex offender, or weekly, if the person has been classified
12 as a risk level II or III sex offender. When reporting, the person
13 shall provide the information set out in subsection (3) of this section
14 and shall additionally state where he or she plans to stay. The lack
15 of a fixed residence is a factor to be considered in determining a sex
16 offender's risk level.

17 (5)(a) Offenders shall register with the county sheriff within the
18 following deadlines. For purposes of this section the term
19 "conviction" refers to adult convictions and juvenile adjudications for
20 sex offenses or kidnapping offenses:

21 (i) OFFENDERS IN CUSTODY. (A) 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, and (B) kidnapping offenders who on or
27 after July 27, 1997, are in custody of the state department of
28 corrections, the state department of social and health services, a
29 local division of youth services, or a local jail or juvenile detention
30 facility, must register at the time of release from custody with an
31 official designated by the agency that has jurisdiction over the
32 offender. The agency shall within three days forward the registration
33 information to the county sheriff for the county of the offender's
34 anticipated residence. The offender must also register within twenty-
35 four hours from the time of release with the county sheriff for the
36 county of the person's residence, or if the person is not a resident of
37 Washington, the county of the person's school, or place of employment
38 or vocation. The agency that has jurisdiction over the offender shall
39 provide notice to the offender of the duty to register. Failure to

1 register at the time of release and within twenty-four hours of release
2 constitutes a violation of this section and is punishable as provided
3 in subsection (~~((9))~~) (10) of this section.

4 When the agency with jurisdiction intends to release an offender
5 with a duty to register under this section, and the agency has
6 knowledge that the offender is eligible for developmental disability
7 services from the department of social and health services, the agency
8 shall notify the division of developmental disabilities of the release.
9 Notice shall occur not more than thirty days before the offender is to
10 be released. The agency and the division shall assist the offender in
11 meeting the initial registration requirement under this section.
12 Failure to provide such assistance shall not constitute a defense for
13 any violation of this section.

14 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
15 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
16 but are under the jurisdiction of the indeterminate sentence review
17 board or under the department of correction's active supervision, as
18 defined by the department of corrections, the state department of
19 social and health services, or a local division of youth services, for
20 sex offenses committed before, on, or after February 28, 1990, must
21 register within ten days of July 28, 1991. Kidnapping offenders who,
22 on July 27, 1997, are not in custody but are under the jurisdiction of
23 the indeterminate sentence review board or under the department of
24 correction's active supervision, as defined by the department of
25 corrections, the state department of social and health services, or a
26 local division of youth services, for kidnapping offenses committed
27 before, on, or after July 27, 1997, must register within ten days of
28 July 27, 1997. A change in supervision status of a sex offender who
29 was required to register under this subsection (~~((4))~~) (5)(a)(ii) as of
30 July 28, 1991, or a kidnapping offender required to register as of July
31 27, 1997, shall not relieve the offender of the duty to register or to
32 reregister following a change in residence. The obligation to register
33 shall only cease pursuant to RCW 9A.44.140.

34 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
35 or after July 23, 1995, and kidnapping offenders who, on or after July
36 27, 1997, as a result of that offense are in the custody of the United
37 States bureau of prisons or other federal or military correctional
38 agency for sex offenses committed before, on, or after February 28,
39 1990, or kidnapping offenses committed on, before, or after July 27,

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

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

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

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

12 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
13 or juvenile who has been found not guilty by reason of insanity under
14 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
15 February 28, 1990, and who, on or after July 23, 1995, is in custody,
16 as a result of that finding, of the state department of social and
17 health services, or (B) committing a kidnapping offense on, before, or
18 after July 27, 1997, and who on or after July 27, 1997, is in custody,
19 as a result of that finding, of the state department of social and
20 health services, must register within twenty-four hours from the time
21 of release with the county sheriff for the county of the person's
22 residence. The state department of social and health services shall
23 provide notice to the adult or juvenile in its custody of the duty to
24 register. Any adult or juvenile who has been found not guilty by
25 reason of insanity of committing a sex offense on, before, or after
26 February 28, 1990, but who was released before July 23, 1995, or any
27 adult or juvenile who has been found not guilty by reason of insanity
28 of committing a kidnapping offense but who was released before July 27,
29 1997, shall be required to register within twenty-four hours of
30 receiving notice of this registration requirement. The state
31 department of social and health services shall make reasonable attempts
32 within available resources to notify sex offenders who were released
33 before July 23, 1995, and kidnapping offenders who were released before
34 July 27, 1997. Failure to register within twenty-four hours of
35 release, or of receiving notice, constitutes a violation of this
36 section and is punishable as provided in subsection ~~((+9+))~~ (10) of
37 this section.

38 (b) Failure to register within the time required under this section
39 constitutes a per se violation of this section and is punishable as

1 provided in subsection (~~(9)~~) (10) of this section. The county
2 sheriff shall not be required to determine whether the person is living
3 within the county.

4 (c) An arrest on charges of failure to register, service of an
5 information, or a complaint for a violation of this section, or
6 arraignment on charges for a violation of this section, constitutes
7 actual notice of the duty to register. Any person charged with the
8 crime of failure to register under this section who asserts as a
9 defense the lack of notice of the duty to register shall register
10 immediately following actual notice of the duty through arrest,
11 service, or arraignment. Failure to register as required under this
12 subsection (~~(4)~~) (5)(c) constitutes grounds for filing another charge
13 of failing to register. Registering following arrest, service, or
14 arraignment on charges shall not relieve the offender from criminal
15 liability for failure to register prior to the filing of the original
16 charge.

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

20 (~~(5)~~) (6)(a) If any person required to register pursuant to this
21 section changes his or her residence address within the same county,
22 the person must send written notice of the change of address to the
23 county sheriff within seventy-two hours of moving. If any person
24 required to register pursuant to this section moves to a new county,
25 the person must send written notice of the change of address at least
26 fourteen days before moving to the county sheriff in the new county of
27 residence and must register with that county sheriff within twenty-four
28 hours of moving. The person must also send written notice within ten
29 days of the change of address in the new county to the county sheriff
30 with whom the person last registered. The county sheriff with whom the
31 person last registered shall promptly forward the information
32 concerning the change of address to the county sheriff for the county
33 of the person's new residence. If any person required to register
34 pursuant to this section moves out of Washington state, the person must
35 also send written notice within ten days of moving to the new state or
36 a foreign country to the county sheriff with whom the person last
37 registered in Washington state. Upon receipt of notice of change of
38 address to a new state, the county sheriff shall promptly forward the

1 information regarding the change of address to the agency designated by
2 the new state as the state's offender registration agency.

3 (b) If any person required to register pursuant to this section
4 ceases to have a fixed residence, he or she shall provide written
5 notice to the sheriff of the county where he or she last registered
6 within fourteen days after ceasing to have a fixed residence. The
7 notice shall include the information required by subsection (3) of this
8 section. The sheriff shall forward this information to the sheriff of
9 the county in which the offender intends to be physically present.

10 (c) It is an affirmative defense to a charge that the person failed
11 to send a notice at least fourteen days in advance of moving as
12 required under (a) of this subsection that the person did not know the
13 location of his or her new residence at least fourteen days before
14 moving. The defendant must establish the defense by a preponderance of
15 the evidence and, to prevail on the defense, must also prove by a
16 preponderance that the defendant sent the required notice within
17 twenty-four hours of determining the new address or that the defendant
18 reported the lack of a fixed residence to the sheriff of the county
19 where the defendant was found within fourteen days of ceasing to have
20 a fixed residence.

21 (~~(6)~~) (7) A sex offender subject to registration requirements
22 under this section who applies to change his or her name under RCW
23 4.24.130 or any other law shall submit a copy of the application to the
24 county sheriff of the county of the person's residence and to the state
25 patrol not fewer than five days before the entry of an order granting
26 the name change. No sex offender under the requirement to register
27 under this section at the time of application shall be granted an order
28 changing his or her name if the court finds that doing so will
29 interfere with legitimate law enforcement interests, except that no
30 order shall be denied when the name change is requested for religious
31 or legitimate cultural reasons or in recognition of marriage or
32 dissolution of marriage. A sex offender under the requirement to
33 register under this section who receives an order changing his or her
34 name shall submit a copy of the order to the county sheriff of the
35 county of the person's residence and to the state patrol within five
36 days of the entry of the order.

37 (~~(7)~~) (8) The county sheriff shall obtain a photograph of the
38 individual and shall obtain a copy of the individual's fingerprints.

1 (~~(8)~~) (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
2 70.48.470, and 72.09.330:

3 (a) "Sex offense" means any offense defined as a sex offense by RCW
4 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a
5 minor), 9.68A.050 (dealing in depictions of minor engaged in sexually
6 explicit conduct), 9.68A.060 (sending, bringing into state depictions
7 of minor engaged in sexually explicit conduct), 9.68A.090
8 (communication with minor for immoral purposes), 9.68A.100 (patronizing
9 juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in
10 the second degree), as well as any gross misdemeanor that is, under
11 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
12 criminal conspiracy to commit an offense that is classified as a sex
13 offense under RCW 9.94A.030.

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

18 (c) "Employed" or "carries on a vocation" means employment that is
19 full-time or part-time for a period of time exceeding fourteen days, or
20 for an aggregate period of time exceeding thirty days during any
21 calendar year. A person is employed or carries on a vocation whether
22 the person's employment is financially compensated, volunteered, or for
23 the purpose of government or educational benefit.

24 (d) "Student" means a person who is enrolled, on a full-time or
25 part-time basis, in any public or private educational institution. An
26 educational institution includes any secondary school, trade or
27 professional institution, or institution of higher education.

28 (~~(9)~~) (10) A person who knowingly fails to register with the
29 county sheriff or notify the county sheriff, or who changes his or her
30 name without notifying the county sheriff and the state patrol, as
31 required by this section is guilty of a class C felony if the crime for
32 which the individual was convicted was a felony or a federal or out-of-
33 state conviction for an offense that under the laws of this state would
34 be a felony. If the crime was other than a felony or a federal or out-
35 of-state conviction for an offense that under the laws of this state
36 would be other than a felony, violation of this section is a gross
37 misdemeanor."

1 Correct the title.

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