

2 **EHB 2424** - S COMM AMD (S4923.3 AMD BY #205)  
3 By Committee on Human Services & Corrections

4 ADOPTED AS AMENDED 3/1/00

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

7 "Sec. 1. RCW 9A.44.135 and 1999 c 196 s 15 are each amended to  
8 read as follows:

9 (1) When an offender registers with the county sheriff pursuant to  
10 RCW 9A.44.130, the county sheriff shall notify the police chief or town  
11 marshal of the jurisdiction in which the offender has registered to  
12 live. If the offender registers to live in an unincorporated area of  
13 the county, the sheriff shall make reasonable attempts to verify that  
14 the offender is residing at the registered address. If the offender  
15 registers to live in an incorporated city or town, the police chief or  
16 town marshal shall make reasonable attempts to verify that the offender  
17 is residing at the registered address. Reasonable attempts at  
18 verifying an address shall include at a minimum:

19 (a) For offenders who have not been previously designated sexually  
20 violent predators under chapter 71.09 RCW or an equivalent procedure in  
21 another jurisdiction, each year the chief law enforcement officer of  
22 the jurisdiction where the offender is registered to live shall send by  
23 certified mail, with return receipt requested, a nonforwardable  
24 verification form to the offender at the offender's last registered  
25 address.

26 (b) For offenders who have been previously designated sexually  
27 violent predators under chapter 71.09 RCW or the equivalent procedure  
28 in another jurisdiction, even if the designation has subsequently been  
29 removed, every ninety days the county sheriff shall send by certified  
30 mail, with return receipt requested, a nonforwardable verification form  
31 to the offender at the offender's last registered address.

32 (c) The offender must sign the verification form, state on the form  
33 whether he or she still resides at the last registered address, and  
34 return the form to the chief law enforcement officer of the  
35 jurisdiction where the offender is registered to live within ten days  
36 after receipt of the form.

1 (2) The chief law enforcement officer of the jurisdiction where the  
2 offender has registered to live shall make reasonable attempts to  
3 locate any sex offender who fails to return the verification form or  
4 who cannot be located at the registered address. If the offender fails  
5 to return the verification form or the offender is not at the last  
6 registered address, the chief law enforcement officer of the  
7 jurisdiction where the offender has registered to live shall promptly  
8 forward this information to the county sheriff and to the Washington  
9 state patrol for inclusion in the central registry of sex offenders.

10 (3) When an offender notifies the county sheriff of a change to his  
11 or her residence address pursuant to RCW 9A.44.130, and the new address  
12 is in a different law enforcement jurisdiction, the county sheriff  
13 shall notify the police chief or town marshal of the jurisdiction from  
14 which the offender has moved.

15 **Sec. 2.** RCW 9A.44.130 and 1999 sp.s. c 6 s 2 and 1999 c 352 s 9  
16 are each reenacted and amended to read as follows:

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

1 institution of higher education on June 11, 1998, must notify the  
2 county sheriff immediately. The sheriff shall notify the institution's  
3 department of public safety and shall provide that department with the  
4 same information provided to a county sheriff under subsection (3) of  
5 this section.

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

9 (3)(a) The person shall provide the following information when  
10 registering: (i) Name; (ii) address; (iii) date and place of birth;  
11 (iv) place of employment; (v) crime for which convicted; (vi) date and  
12 place of conviction; (vii) aliases used; (viii) social security number;  
13 (ix) photograph; and (x) fingerprints.

14 (b) Any person who lacks a fixed residence shall provide the  
15 following information when registering: (i) Name; (ii) date and place  
16 of birth; (iii) place of employment; (iv) crime for which convicted;  
17 (v) date and place of conviction; (vi) aliases used; (vii) social  
18 security number; (viii) photograph; (ix) fingerprints; and (x) where he  
19 or she plans to stay.

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

24 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
25 offense on, before, or after February 28, 1990, and who, on or after  
26 July 28, 1991, are in custody, as a result of that offense, of the  
27 state department of corrections, the state department of social and  
28 health services, a local division of youth services, or a local jail or  
29 juvenile detention facility, and (B) kidnapping offenders who on or  
30 after July 27, 1997, are in custody of the state department of  
31 corrections, the state department of social and health services, a  
32 local division of youth services, or a local jail or juvenile detention  
33 facility, must register at the time of release from custody with an  
34 official designated by the agency that has jurisdiction over the  
35 offender. The agency shall within three days forward the registration  
36 information to the county sheriff for the county of the offender's  
37 anticipated residence. The offender must also register within twenty-  
38 four hours from the time of release with the county sheriff for the  
39 county of the person's residence, or if the person is not a resident of

1 Washington, the county of the person's school, or place of employment  
2 or vocation. The agency that has jurisdiction over the offender shall  
3 provide notice to the offender of the duty to register. Failure to  
4 register at the time of release and within twenty-four hours of release  
5 constitutes a violation of this section and is punishable as provided  
6 in subsection (10) of this section.

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

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

37 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
38 or after July 23, 1995, and kidnapping offenders who, on or after July  
39 27, 1997, as a result of that offense are in the custody of the United

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

25 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
26 who are convicted of a sex offense on or after July 28, 1991, for a sex  
27 offense that was committed on or after February 28, 1990, and  
28 kidnapping offenders who are convicted on or after July 27, 1997, for  
29 a kidnapping offense that was committed on or after July 27, 1997, 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) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
34 RESIDENTS. Sex offenders and kidnapping offenders who move to  
35 Washington state from another state or a foreign country that are not  
36 under the jurisdiction of the state department of corrections, the  
37 indeterminate sentence review board, or the state department of social  
38 and health services at the time of moving to Washington, must register  
39 within thirty days of establishing residence or reestablishing

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

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

1 section and is punishable as provided in subsection (10) of this  
2 section.

3 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks  
4 a fixed residence and leaves the county in which he or she is  
5 registered and enters and remains within a new county for twenty-four  
6 hours is required to register with the county sheriff not more than  
7 twenty-four hours after entering the county and provide the information  
8 required in subsection (3)(b) of this section.

9 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER  
10 SUPERVISION. Offenders who lack a fixed residence and who are under  
11 the supervision of the department shall register in the county of their  
12 supervision.

13 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
14 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
15 who move to another state, or who work, carry on a vocation, or attend  
16 school in another state shall register a new address, fingerprints, and  
17 photograph with the new state within ten days after establishing  
18 residence, or after beginning to work, carry on a vocation, or attend  
19 school in the new state. The person must also send written notice  
20 within ten days of moving to the new state or to a foreign country to  
21 the county sheriff with whom the person last registered in Washington  
22 state. The county sheriff shall promptly forward this information to  
23 the Washington state patrol.

24 (b) Failure to register within the time required under this section  
25 constitutes a per se violation of this section and is punishable as  
26 provided in subsection (10) of this section. The county sheriff shall  
27 not be required to determine whether the person is living within the  
28 county.

29 (c) An arrest on charges of failure to register, service of an  
30 information, or a complaint for a violation of this section, or  
31 arraignment on charges for a violation of this section, constitutes  
32 actual notice of the duty to register. Any person charged with the  
33 crime of failure to register under this section who asserts as a  
34 defense the lack of notice of the duty to register shall register  
35 immediately following actual notice of the duty through arrest,  
36 service, or arraignment. Failure to register as required under this  
37 subsection (4)(c) constitutes grounds for filing another charge of  
38 failing to register. Registering following arrest, service, or  
39 arraignment on charges shall not relieve the offender from criminal

1 liability for failure to register prior to the filing of the original  
2 charge.

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

6 (5)(a) If any person required to register pursuant to this section  
7 changes his or her residence address within the same county, the person  
8 must send written notice of the change of address to the county sheriff  
9 within seventy-two hours of moving. If any person required to register  
10 pursuant to this section moves to a new county, the person must send  
11 written notice of the change of address at least fourteen days before  
12 moving to the county sheriff in the new county of residence and must  
13 register with that county sheriff within twenty-four hours of moving.  
14 The person must also send written notice within ten days of the change  
15 of address in the new county to the county sheriff with whom the person  
16 last registered. The county sheriff with whom the person last  
17 registered shall promptly forward the information concerning the change  
18 of address to the county sheriff for the county of the person's new  
19 residence. ~~((If any person required to register pursuant to this  
20 section moves out of Washington state, the person must also send  
21 written notice within ten days of moving to the new state or a foreign  
22 country to the county sheriff with whom the person last registered in  
23 Washington state.))~~ Upon receipt of notice of change of address to a  
24 new state, the county sheriff shall promptly forward the information  
25 regarding the change of address to the agency designated by the new  
26 state as the state's offender registration agency.

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 (6)(a) Any person required to register under this section who lacks  
36 a fixed residence shall provide written notice to the sheriff of the  
37 county where he or she last registered within fourteen days after  
38 ceasing to have a fixed residence. The notice shall include the  
39 information required by subsection (3)(b) of this section, except the



1 photograph and fingerprints. The county sheriff may, for reasonable  
2 cause, require the offender to provide a photograph and fingerprints.  
3 The sheriff shall forward this information to the sheriff of the county  
4 in which the person intends to reside, if the person intends to reside  
5 in another county.

6 (b) A person who lacks a fixed residence must report in person to  
7 the sheriff of the county where he or she is registered. If he or she  
8 has been classified as a risk level I sex or kidnapping offender, he or  
9 she must report monthly. If he or she has been classified as a risk  
10 level II or III sex or kidnapping offender, he or she must report  
11 weekly. The lack of a fixed residence is a factor that may be  
12 considered in determining a sex offender's risk level.

13 (c) If any person required to register pursuant to this section  
14 does not have a fixed residence, it is an affirmative defense to the  
15 charge of failure to register, that he or she provided written notice  
16 to the sheriff of the county where he or she last registered within  
17 fourteen days after ceasing to have a fixed residence and has  
18 subsequently complied with the requirements of subsections (4)(a)(vii)  
19 or (viii) and (6) of this section. To prevail, the person must prove  
20 the defense by a preponderance of the evidence.

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

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

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

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

12 **Sec. 3.** RCW 9A.44.140 and 1998 c 220 s 3 are each amended to read  
13 as follows:

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

15 (a) For a person convicted of a class A felony, or a person  
16 convicted of any sex offense or kidnapping offense who has one or more  
17 prior (~~(conviction[s])~~) convictions for a sex offense or kidnapping  
18 offense: Such person may only be relieved of the duty to register  
19 under subsection (3) or (4) of this section.

20 (b) For a person convicted of a class B felony, and the person does  
21 not have one or more prior (~~(conviction[s])~~) convictions for a sex  
22 offense or kidnapping offense: Fifteen years after the last date of  
23 release from confinement, if any, (including full-time residential  
24 treatment) pursuant to the conviction, or entry of the judgment and  
25 sentence, if the person has spent fifteen consecutive years in the  
26 community without being convicted of any new offenses.

27 (c) For a person convicted of a class C felony, a violation of RCW  
28 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to  
29 commit a class C felony, and the person does not have one or more prior  
30 (~~(conviction[s])~~) convictions for a sex offense or kidnapping offense:  
31 Ten years after the last date of release from confinement, if any,  
32 (including full-time residential treatment) pursuant to the conviction,  
33 or entry of the judgment and sentence, if the person has spent ten  
34 consecutive years in the community without being convicted of any new  
35 offenses.

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

1       (3)(a) Any person having a duty to register under RCW 9A.44.130 may  
2 petition the superior court to be relieved of that duty, if the person  
3 has spent ten consecutive years in the community without being  
4 convicted of any new offenses. The petition shall be made to the court  
5 in which the petitioner was convicted of the offense that subjects him  
6 or her to the duty to register, or, in the case of convictions in other  
7 states, a foreign country, or a federal or military court, to the court  
8 in Thurston county. The prosecuting attorney of the county shall be  
9 named and served as the respondent in any such petition. The court  
10 shall consider the nature of the registrable offense committed, and the  
11 criminal and relevant noncriminal behavior of the petitioner both  
12 before and after conviction, and may consider other factors. Except as  
13 provided in subsection (4) of this section, the court may relieve the  
14 petitioner of the duty to register only if the petitioner shows, with  
15 clear and convincing evidence, that future registration of the  
16 petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,  
17 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

18       **(b)(i) The court may not relieve a person of the duty to register**  
19 **if the person has been determined to be a sexually violent predator as**  
20 **defined in RCW 71.09.020, or has been convicted of a sex offense or**  
21 **kidnapping offense that is a class A felony and that was committed with**  
22 **forcible compulsion on or after the effective date of this act.**

23       **(ii) Any person subject to (b)(i) of this subsection may petition**  
24 **the court to be exempted from any community notification requirements**  
25 **that the person may be subject to fifteen years after the later of the**  
26 **entry of the judgment and sentence or the last date of release from**  
27 **confinement, including full-time residential treatment, pursuant to the**  
28 **conviction, if the person has spent the time in the community without**  
29 **being convicted of any new offense.**

30       (4) An offender having a duty to register under RCW 9A.44.130 for  
31 a sex offense or kidnapping offense committed when the offender was a  
32 juvenile may petition the superior court to be relieved of that duty.  
33 The court shall consider the nature of the registrable offense  
34 committed, and the criminal and relevant noncriminal behavior of the  
35 petitioner both before and after adjudication, and may consider other  
36 factors.

37       **(a) The court may relieve the petitioner of the duty to register**  
38 **for a sex offense or kidnapping offense that was committed while the**  
39 **petitioner was fifteen years of age or older only if the petitioner**

1 shows, with clear and convincing evidence, that future registration of  
2 the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,  
3 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

4 (b) The court may relieve the petitioner of the duty to register  
5 for a sex offense or kidnapping offense that was committed while the  
6 petitioner was under the age of fifteen if the petitioner ~~((a))~~ (i)  
7 has not been adjudicated of any additional sex offenses or kidnapping  
8 offenses during the twenty-four months following the adjudication for  
9 the offense giving rise to the duty to register, and ~~((b)the~~  
10 ~~petitioner))~~ (ii) proves by a preponderance of the evidence that future  
11 registration of the petitioner will not serve the purposes of RCW  
12 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

13 This subsection shall not apply to juveniles prosecuted as adults.

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

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

20 **Sec. 4.** RCW 70.48.470 and 1997 c 364 s 3 and 1997 c 113 s 7 are  
21 each reenacted and amended to read as follows:

22 (1) A person having charge of a jail shall notify in writing any  
23 confined person who is in the custody of the jail for a conviction of  
24 a sex offense as defined in RCW 9.94A.030 or a kidnapping offense as  
25 defined in RCW 9A.44.130 of the registration requirements of RCW  
26 9A.44.130 at the time of the inmate's release from confinement, and  
27 shall obtain written acknowledgment of such notification. The person  
28 shall also obtain from the inmate the county of the inmate's residence  
29 upon release from jail and, where applicable, the city.

30 (2) When a sex offender or a person convicted of a kidnapping  
31 offense as defined in RCW 9A.44.130 under local government jurisdiction  
32 will reside in a county other than the county of conviction upon  
33 discharge or release, the chief law enforcement officer of the jail or  
34 his or her designee shall give notice of the inmate's discharge or  
35 release to the sheriff of the county and, where applicable, to the  
36 police chief of the city where the offender will reside."

1 **EHB 2424** - S COMM AMD (S4923.3)  
2 By Committee on Human Services & Corrections

ADOPTED 3/1/00

3  
4 On page 1, line 2 of the title, after "offenders;" strike the  
5 remainder of the title and insert "amending RCW 9A.44.135 and  
6 9A.44.140; and reenacting and amending RCW 9A.44.130 and 70.48.470."

--- END ---