
HOUSE BILL 2424

State of Washington

56th Legislature

2000 Regular Session

By Representatives Ballasiotes and O'Brien; by request of Department of Community, Trade, and Economic Development and Department of Corrections

Read first time 01/12/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to compliance with federal standards for monitoring
2 sex offenders; amending RCW 9A.44.135, 9A.44.140, 10.01.200, and
3 72.09.330; and reenacting and amending RCW 70.48.470.

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

5 **Sec. 1.** RCW 9A.44.135 and 1999 c 196 s 15 are each amended to read
6 as follows:

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

17 (a) For offenders who have not been previously designated sexually
18 violent predators under chapter 71.09 RCW or an equivalent procedure in
19 another jurisdiction, each year the chief law enforcement officer of

1 the jurisdiction where the offender is registered to live shall send by
2 certified mail, with return receipt requested, a nonforwardable
3 verification form to the offender at the offender's last registered
4 address.

5 (b) For offenders who have been previously designated sexually
6 violent predators under chapter 71.09 RCW or the equivalent procedure
7 in another jurisdiction, even if the designation has subsequently been
8 removed, each quarter the county sheriff shall send by certified mail,
9 with return receipt requested, a nonforwardable verification form to
10 the offender at the offender's last registered address.

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

16 (2) The chief law enforcement officer of the jurisdiction where the
17 offender has registered to live shall make reasonable attempts to
18 locate any sex offender who fails to return the verification form or
19 who cannot be located at the registered address. If the offender fails
20 to return the verification form or the offender is not at the last
21 registered address, the chief law enforcement officer of the
22 jurisdiction where the offender has registered to live shall promptly
23 forward this information to the county sheriff and to the Washington
24 state patrol for inclusion in the central registry of sex offenders.

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

30 **Sec. 2.** RCW 9A.44.140 and 1998 c 220 s 3 are each amended to read
31 as follows:

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

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

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

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

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

20 (3) Any person having a duty to register under RCW 9A.44.130 may
21 petition the superior court to be relieved of that duty, if the person
22 has spent ten consecutive years in the community without being
23 convicted of any new offenses. The petition shall be made to the court
24 in which the petitioner was convicted of the offense that subjects him
25 or her to the duty to register, or, in the case of convictions in other
26 states, a foreign country, or a federal or military court, to the court
27 in Thurston county. The prosecuting attorney of the county shall be
28 named and served as the respondent in any such petition. The court
29 shall consider the nature of the registrable offense committed, and the
30 criminal and relevant noncriminal behavior of the petitioner both
31 before and after conviction, and may consider other factors. Except as
32 provided in subsection (4) of this section, the court may relieve the
33 petitioner of the duty to register only if the petitioner shows, with
34 clear and convincing evidence, that future registration of the
35 petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
36 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The court shall not
37 relieve a person of the duty to register if the person has been
38 convicted of an offense involving sexual intercourse with a victim
39 through the use of force or threat of serious violence, or has been

1 convicted of an offense involving sexual intercourse with a minor under
2 twelve years of age, or has been convicted of a sex or kidnapping
3 offense as defined in RCW 9A.44.130 and has one or more prior
4 convictions for such an offense, or has ever been determined to be a
5 sexually violent predator under chapter 71.09 RCW or the equivalent
6 procedure in another jurisdiction.

7 (4) An offender having a duty to register under RCW 9A.44.130 for
8 a sex offense or kidnapping offense committed when the offender was a
9 juvenile may petition the superior court to be relieved of that duty.
10 The court shall consider the nature of the registrable offense
11 committed, and the criminal and relevant noncriminal behavior of the
12 petitioner both before and after adjudication, and may consider other
13 factors. The court may relieve the petitioner of the duty to register
14 for a sex offense or kidnapping offense that was committed while the
15 petitioner was fifteen years of age or older only if the petitioner
16 shows, with clear and convincing evidence, that future registration of
17 the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
18 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The court may relieve
19 the petitioner of the duty to register for a sex offense or kidnapping
20 offense that was committed while the petitioner was under the age of
21 fifteen if the petitioner (a) has not been adjudicated of any
22 additional sex offenses or kidnapping offenses during the twenty-four
23 months following the adjudication for the offense giving rise to the
24 duty to register, and (b) the petitioner proves by a preponderance of
25 the evidence that future registration of the petitioner will not serve
26 the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187,
27 70.48.470, and 72.09.330.

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

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

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

35 **Sec. 3.** RCW 10.01.200 and 1997 c 113 s 5 are each amended to read
36 as follows:

37 (1) The court shall provide written notification to any defendant
38 charged with a sex offense or kidnapping offense of the registration

1 requirements of RCW 9A.44.130. Such notice shall be included on any
2 guilty plea forms and judgment and sentence forms provided to the
3 defendant.

4 (2) The court shall further notify any defendant charged with a sex
5 offense or kidnapping offense as defined in RCW 9A.44.130 that the
6 defendant must register in any other state in which the defendant will
7 work or attend school, or move to, in accordance with that state's
8 laws.

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

11 (1) A person having charge of a jail shall notify in writing any
12 confined person who is in the custody of the jail for a conviction of
13 a sex offense as defined in RCW 9.94A.030 or a kidnapping offense as
14 defined in RCW 9A.44.130 of the registration requirements of RCW
15 9A.44.130 at the time of the inmate's release from confinement, and
16 that the inmate must register in any other state in which the inmate
17 will work or attend school, or move to, in accordance with that state's
18 laws, and shall obtain written acknowledgment of such notification.
19 The person shall also obtain from the inmate the county of the inmate's
20 residence upon release from jail and, where applicable, the city.

21 (2) When a sex offender or an inmate convicted of a kidnapping
22 offense under local government jurisdiction will reside in a county
23 other than the county of conviction upon discharge or release, the
24 chief law enforcement officer of the jail or his or her designee shall
25 give notice of the inmate's discharge or release to the sheriff of the
26 county and, where applicable, to the police chief of the city where the
27 offender will reside.

28 **Sec. 5.** RCW 72.09.330 and 1997 c 113 s 8 are each amended to read
29 as follows:

30 (1) The department shall provide written notification to an inmate
31 convicted of a sex offense or kidnapping offense of the registration
32 requirements of RCW 9A.44.130 and that the inmate must register in any
33 other state in which the inmate will work or attend school, or move to,
34 in accordance with that state's laws at the time of the inmate's
35 release from confinement and shall receive and retain a signed
36 acknowledgement of receipt.

1 (2) The department shall provide written notification to an
2 individual convicted of a sex offense or kidnapping offense from
3 another state of the registration requirements of RCW 9A.44.130 at the
4 time the department accepts supervision and has legal authority of the
5 individual under the terms and conditions of the interstate compact
6 agreement under RCW 9.95.270.

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