

**HB 1712 - S AMD 427**  
By Senator Stevens

ADOPTED 04/25/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 9A.44.130 and 2002 c 31 s 1 are each amended to read  
4 as follows:

5 (1) Any adult or juvenile residing whether or not the person has a  
6 fixed residence, or who is a student, is employed, or carries on a  
7 vocation in this state who has been found to have committed or has been  
8 convicted of any sex offense or kidnapping offense, or who has been  
9 found not guilty by reason of insanity under chapter 10.77 RCW of  
10 committing any sex offense or kidnapping offense, shall register with  
11 the county sheriff for the county of the person's residence, or if the  
12 person is not a resident of Washington, the county of the person's  
13 school, or place of employment or vocation, or as otherwise specified  
14 in this section. Where a person required to register under this  
15 section is in custody of the state department of corrections, the state  
16 department of social and health services, a local division of youth  
17 services, or a local jail or juvenile detention facility as a result of  
18 a sex offense or kidnapping offense, the person shall also register at  
19 the time of release from custody with an official designated by the  
20 agency that has jurisdiction over the person. In addition, any such  
21 adult or juvenile: (a) Who is admitted to a public or private  
22 institution of higher education shall, within ten days of enrolling or  
23 by the first business day after arriving at the institution, whichever  
24 is earlier, notify the sheriff for the county of the person's residence  
25 of the person's intent to attend the institution; (b) who gains  
26 employment at a public or private institution of higher education  
27 shall, within ten days of accepting employment or by the first business  
28 day after commencing work at the institution, whichever is earlier,  
29 notify the sheriff for the county of the person's residence of the  
30 person's employment by the institution; or (c) whose enrollment or

1 employment at a public or private institution of higher education is  
2 terminated shall, within ten days of such termination, notify the  
3 sheriff for the county of the person's residence of the person's  
4 termination of enrollment or employment at the institution. Persons  
5 required to register under this section who are enrolled in a public or  
6 private institution of higher education on June 11, 1998, must notify  
7 the county sheriff immediately. The sheriff shall notify the  
8 institution's department of public safety and shall provide that  
9 department with the same information provided to a county sheriff under  
10 subsection (3) of this section.

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

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

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

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

29 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
30 offense on, before, or after February 28, 1990, and who, on or after  
31 July 28, 1991, are in custody, as a result of that offense, of the  
32 state department of corrections, the state department of social and  
33 health services, a local division of youth services, or a local jail or  
34 juvenile detention facility, and (B) kidnapping offenders who on or  
35 after July 27, 1997, are in custody of the state department of  
36 corrections, the state department of social and health services, a  
37 local division of youth services, or a local jail or juvenile detention

1 facility, must register at the time of release from custody with an  
2 official designated by the agency that has jurisdiction over the  
3 offender. The agency shall within three days forward the registration  
4 information to the county sheriff for the county of the offender's  
5 anticipated residence. The offender must also register within twenty-  
6 four hours from the time of release with the county sheriff for the  
7 county of the person's residence, or if the person is not a resident of  
8 Washington, the county of the person's school, or place of employment  
9 or vocation. The agency that has jurisdiction over the offender shall  
10 provide notice to the offender of the duty to register. Failure to  
11 register at the time of release and within twenty-four hours of release  
12 constitutes a violation of this section and is punishable as provided  
13 in subsection (10) of this section.

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

1 July 27, 1997. A change in supervision status of a sex offender who  
2 was required to register under this subsection (4)(a)(ii) as of July  
3 28, 1991, or a kidnapping offender required to register as of July 27,  
4 1997, shall not relieve the offender of the duty to register or to  
5 reregister following a change in residence. The obligation to register  
6 shall only cease pursuant to RCW 9A.44.140.

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

34 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
35 who are convicted of a sex offense on or after July 28, 1991, for a sex  
36 offense that was committed on or after February 28, 1990, and  
37 kidnapping offenders who are convicted on or after July 27, 1997, for

1 a kidnapping offense that was committed on or after July 27, 1997, but  
2 who are not sentenced to serve a term of confinement immediately upon  
3 sentencing, shall report to the county sheriff to register immediately  
4 upon completion of being sentenced.

5 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
6 RESIDENTS. Sex offenders and kidnapping offenders who move to  
7 Washington state from another state or a foreign country that are not  
8 under the jurisdiction of the state department of corrections, the  
9 indeterminate sentence review board, or the state department of social  
10 and health services at the time of moving to Washington, must register  
11 within thirty days of establishing residence or reestablishing  
12 residence if the person is a former Washington resident. The duty to  
13 register under this subsection applies to sex offenders convicted under  
14 the laws of another state or a foreign country, federal or military  
15 statutes, or Washington state for offenses committed on or after  
16 February 28, 1990, and to kidnapping offenders convicted under the laws  
17 of another state or a foreign country, federal or military statutes, or  
18 Washington state for offenses committed on or after July 27, 1997. Sex  
19 offenders and kidnapping offenders from other states or a foreign  
20 country who, when they move to Washington, are under the jurisdiction  
21 of the department of corrections, the indeterminate sentence review  
22 board, or the department of social and health services must register  
23 within twenty-four hours of moving to Washington. The agency that has  
24 jurisdiction over the offender shall notify the offender of the  
25 registration requirements before the offender moves to Washington.

26 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
27 or juvenile who has been found not guilty by reason of insanity under  
28 chapter 10.77 RCW of (A) committing a sex offense on, before, or after  
29 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
30 as a result of that finding, of the state department of social and  
31 health services, or (B) committing a kidnapping offense on, before, or  
32 after July 27, 1997, and who on or after July 27, 1997, is in custody,  
33 as a result of that finding, of the state department of social and  
34 health services, must register within twenty-four hours from the time  
35 of release with the county sheriff for the county of the person's  
36 residence. The state department of social and health services shall  
37 provide notice to the adult or juvenile in its custody of the duty to

1 register. Any adult or juvenile who has been found not guilty by  
2 reason of insanity of committing a sex offense on, before, or after  
3 February 28, 1990, but who was released before July 23, 1995, or any  
4 adult or juvenile who has been found not guilty by reason of insanity  
5 of committing a kidnapping offense but who was released before July 27,  
6 1997, shall be required to register within twenty-four hours of  
7 receiving notice of this registration requirement. The state  
8 department of social and health services shall make reasonable attempts  
9 within available resources to notify sex offenders who were released  
10 before July 23, 1995, and kidnapping offenders who were released before  
11 July 27, 1997. Failure to register within twenty-four hours of  
12 release, or of receiving notice, constitutes a violation of this  
13 section and is punishable as provided in subsection (10) of this  
14 section.

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

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

25 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
26 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
27 who move to another state, or who work, carry on a vocation, or attend  
28 school in another state shall register a new address, fingerprints, and  
29 photograph with the new state within ten days after establishing  
30 residence, or after beginning to work, carry on a vocation, or attend  
31 school in the new state. The person must also send written notice  
32 within ten days of moving to the new state or to a foreign country to  
33 the county sheriff with whom the person last registered in Washington  
34 state. The county sheriff shall promptly forward this information to  
35 the Washington state patrol.

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

1 provided in subsection (10) of this section. The county sheriff shall  
2 not be required to determine whether the person is living within the  
3 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)(c) constitutes grounds for filing another charge of  
13 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)(a) If any person required to register pursuant to this section  
21 changes his or her residence address within the same county, the person  
22 must send written notice of the change of address to the county sheriff  
23 within seventy-two hours of moving. If any person required to register  
24 pursuant to this section moves to a new county, the person must send  
25 written notice of the change of address at least fourteen days before  
26 moving to the county sheriff in the new county of residence and must  
27 register with that county sheriff within twenty-four hours of moving.  
28 The person must also send written notice within ten days of the change  
29 of address in the new county to the county sheriff with whom the person  
30 last registered. The county sheriff with whom the person last  
31 registered shall promptly forward the information concerning the change  
32 of address to the county sheriff for the county of the person's new  
33 residence. Upon receipt of notice of change of address to a new state,  
34 the county sheriff shall promptly forward the information regarding the  
35 change of address to the agency designated by the new state as the  
36 state's offender registration agency.

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

9 (6)(a) Any person required to register under this section who lacks  
10 a fixed residence shall provide written notice to the sheriff of the  
11 county where he or she last registered within forty-eight hours  
12 excluding weekends and holidays after ceasing to have a fixed  
13 residence. The notice shall include the information required by  
14 subsection (3)(b) of this section, except the photograph and  
15 fingerprints. The county sheriff may, for reasonable cause, require  
16 the offender to provide a photograph and fingerprints. The sheriff  
17 shall forward this information to the sheriff of the county in which  
18 the person intends to reside, if the person intends to reside in  
19 another county.

20 (b) A person who lacks a fixed residence must report weekly, in  
21 person, to the sheriff of the county where he or she is registered.  
22 The weekly report shall be on a day specified by the county sheriff's  
23 office, and shall occur during normal business hours. The county  
24 sheriff's office may require the person to list the locations where the  
25 person has stayed during the last seven days. The lack of a fixed  
26 residence is a factor that may be considered in determining an  
27 offender's risk level and shall make the offender subject to disclosure  
28 of information to the public at large pursuant to RCW 4.24.550.

29 (c) If any person required to register pursuant to this section  
30 does not have a fixed residence, it is an affirmative defense to the  
31 charge of failure to register, that he or she provided written notice  
32 to the sheriff of the county where he or she last registered within  
33 forty-eight hours excluding weekends and holidays after ceasing to have  
34 a fixed residence and has subsequently complied with the requirements  
35 of subsections (4)(a)(vii) or (viii) and (6) of this section. To  
36 prevail, the person must prove the defense by a preponderance of the  
37 evidence.



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

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

19 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,  
20 70.48.470, and 72.09.330:

21 (a) "Sex offense" means:

22 (i) Any offense defined as a sex offense by RCW 9.94A.030;

23 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a  
24 minor in the second degree);

25 (iii) Any violation under RCW 9.68A.090 (communication with a minor  
26 for immoral purposes);

27 (iv) Any federal or out-of-state conviction for an offense that  
28 under the laws of this state would be classified as a sex offense under  
29 this subsection; and

30 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
31 criminal attempt, criminal solicitation, or criminal conspiracy to  
32 commit an offense that is classified as a sex offense under RCW  
33 9.94A.030 or this subsection.

34 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
35 the first degree, kidnapping in the second degree, and unlawful  
36 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
37 minor and the offender is not the minor's parent; (ii) any offense that

1 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
2 or criminal conspiracy to commit an offense that is classified as a  
3 kidnapping offense under this subsection (9)(b); and (iii) any federal  
4 or out-of-state conviction for an offense that under the laws of this  
5 state would be classified as a kidnapping offense under this subsection  
6 (9)(b).

7 (c) "Employed" or "carries on a vocation" means employment that is  
8 full-time or part-time for a period of time exceeding fourteen days, or  
9 for an aggregate period of time exceeding thirty days during any  
10 calendar year. A person is employed or carries on a vocation whether  
11 the person's employment is financially compensated, volunteered, or for  
12 the purpose of government or educational benefit.

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

17 (10) A person who knowingly fails to register with the county  
18 sheriff or notify the county sheriff, or who changes his or her name  
19 without notifying the county sheriff and the state patrol, as required  
20 by this section is guilty of a class C felony if the crime for which  
21 the individual was convicted was a felony sex offense as defined in  
22 subsection (9)(a) of this section or a federal or out-of-state  
23 conviction for an offense that under the laws of this state would be a  
24 felony sex offense as defined in subsection (9)(a) of this section. If  
25 the crime was other than a felony or a federal or out-of-state  
26 conviction for an offense that under the laws of this state would be  
27 other than a felony, violation of this section is a gross misdemeanor.

28 (11) A person who knowingly fails to register or who moves within  
29 the state without notifying the county sheriff as required by this  
30 section is guilty of a class C felony if the crime for which the  
31 individual was convicted was a felony kidnapping offense as defined in  
32 subsection (9)(b) of this section or a federal or out-of-state  
33 conviction for an offense that under the laws of this state would be a  
34 felony kidnapping offense as defined in subsection (9)(b) of this  
35 section. If the crime was other than a felony or a federal or out-of-  
36 state conviction for an offense that under the laws of this state would

1 be other than a felony, violation of this section is a gross  
2 misdemeanor."

**HB 1712** - S AMD **427**  
By Senator Stevens

**ADOPTED 04/25/2003**

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

EFFECT: Returns the bill to the text of the committee amendment,  
which made only a technical amendment to House language.

--- END ---