
SENATE BILL 6405

State of Washington

59th Legislature

2006 Regular Session

By Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen, Shin and Benton; by request of Attorney General

Read first time 01/12/2006. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to offender registration; amending RCW 9A.44.130;
2 reenacting and amending RCW 9A.44.130; prescribing penalties; providing
3 an effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are
6 each reenacted and amended to read as follows:

7 (1) Any adult or juvenile residing whether or not the person has a
8 fixed residence, or who is a student, is employed, or carries on a
9 vocation in this state who has been found to have committed or has been
10 convicted of any sex offense or kidnapping offense, or who has been
11 found not guilty by reason of insanity under chapter 10.77 RCW of
12 committing any sex offense or kidnapping offense, shall register with
13 the county sheriff for the county of the person's residence, or if the
14 person is not a resident of Washington, the county of the person's
15 school, or place of employment or vocation, or as otherwise specified
16 in this section. Where a person required to register under this
17 section is in custody of the state department of corrections, the state
18 department of social and health services, a local division of youth
19 services, or a local jail or juvenile detention facility as a result of

1 a sex offense or kidnapping offense, the person shall also register at
2 the time of release from custody with an official designated by the
3 agency that has jurisdiction over the person. In addition, any such
4 adult or juvenile: (a) Who is admitted to a public or private
5 institution of higher education shall, within ten days of enrolling or
6 by the first business day after arriving at the institution, whichever
7 is earlier, notify the sheriff for the county of the person's residence
8 of the person's intent to attend the institution; (b) who gains
9 employment at a public or private institution of higher education
10 shall, within ten days of accepting employment or by the first business
11 day after commencing work at the institution, whichever is earlier,
12 notify the sheriff for the county of the person's residence of the
13 person's employment by the institution; or (c) whose enrollment or
14 employment at a public or private institution of higher education is
15 terminated shall, within ten days of such termination, notify the
16 sheriff for the county of the person's residence of the person's
17 termination of enrollment or employment at the institution. Persons
18 required to register under this section who are enrolled in a public or
19 private institution of higher education on June 11, 1998, must notify
20 the county sheriff immediately. The sheriff shall notify the
21 institution's department of public safety and shall provide that
22 department with the same information provided to a county sheriff under
23 subsection (3) of this section.

24 (2) This section may not be construed to confer any powers pursuant
25 to RCW ((~~4.24.500~~)) 4.24.550 upon the public safety department of any
26 public or private institution of higher education.

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

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

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

5 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
6 offense on, before, or after February 28, 1990, and who, on or after
7 July 28, 1991, are in custody, as a result of that offense, of the
8 state department of corrections, the state department of social and
9 health services, a local division of youth services, or a local jail or
10 juvenile detention facility, and (B) kidnapping offenders who on or
11 after July 27, 1997, are in custody of the state department of
12 corrections, the state department of social and health services, a
13 local division of youth services, or a local jail or juvenile detention
14 facility, must register at the time of release from custody with an
15 official designated by the agency that has jurisdiction over the
16 offender. The agency shall within three days forward the registration
17 information to the county sheriff for the county of the offender's
18 anticipated residence. The offender must also register within twenty-
19 four hours from the time of release with the county sheriff for the
20 county of the person's residence, or if the person is not a resident of
21 Washington, the county of the person's school, or place of employment
22 or vocation. The agency that has jurisdiction over the offender shall
23 provide notice to the offender of the duty to register. Failure to
24 register at the time of release and within twenty-four hours of release
25 constitutes a violation of this section and is punishable as provided
26 in subsection (~~((+10+))~~) (11) of this section.

27 When the agency with jurisdiction intends to release an offender
28 with a duty to register under this section, and the agency has
29 knowledge that the offender is eligible for developmental disability
30 services from the department of social and health services, the agency
31 shall notify the division of developmental disabilities of the release.
32 Notice shall occur not more than thirty days before the offender is to
33 be released. The agency and the division shall assist the offender in
34 meeting the initial registration requirement under this section.
35 Failure to provide such assistance shall not constitute a defense for
36 any violation of this section.

37 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
38 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody

1 but are under the jurisdiction of the indeterminate sentence review
2 board or under the department of correction's active supervision, as
3 defined by the department of corrections, the state department of
4 social and health services, or a local division of youth services, for
5 sex offenses committed before, on, or after February 28, 1990, must
6 register within ten days of July 28, 1991. Kidnapping offenders who,
7 on July 27, 1997, are not in custody but are under the jurisdiction of
8 the indeterminate sentence review board or under the department of
9 correction's active supervision, as defined by the department of
10 corrections, the state department of social and health services, or a
11 local division of youth services, for kidnapping offenses committed
12 before, on, or after July 27, 1997, must register within ten days of
13 July 27, 1997. A change in supervision status of a sex offender who
14 was required to register under this subsection (4)(a)(ii) as of July
15 28, 1991, or a kidnapping offender required to register as of July 27,
16 1997, shall not relieve the offender of the duty to register or to
17 reregister following a change in residence. The obligation to register
18 shall only cease pursuant to RCW 9A.44.140.

19 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
20 or after July 23, 1995, and kidnapping offenders who, on or after July
21 27, 1997, as a result of that offense are in the custody of the United
22 States bureau of prisons or other federal or military correctional
23 agency for sex offenses committed before, on, or after February 28,
24 1990, or kidnapping offenses committed on, before, or after July 27,
25 1997, must register within twenty-four hours from the time of release
26 with the county sheriff for the county of the person's residence, or if
27 the person is not a resident of Washington, the county of the person's
28 school, or place of employment or vocation. Sex offenders who, on July
29 23, 1995, are not in custody but are under the jurisdiction of the
30 United States bureau of prisons, United States courts, United States
31 parole commission, or military parole board for sex offenses committed
32 before, on, or after February 28, 1990, must register within ten days
33 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
34 in custody but are under the jurisdiction of the United States bureau
35 of prisons, United States courts, United States parole commission, or
36 military parole board for kidnapping offenses committed before, on, or
37 after July 27, 1997, must register within ten days of July 27, 1997.
38 A change in supervision status of a sex offender who was required to

1 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
2 kidnapping offender required to register as of July 27, 1997 shall not
3 relieve the offender of the duty to register or to reregister following
4 a change in residence, or if the person is not a resident of
5 Washington, the county of the person's school, or place of employment
6 or vocation. The obligation to register shall only cease pursuant to
7 RCW 9A.44.140.

8 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
9 who are convicted of a sex offense on or after July 28, 1991, for a sex
10 offense that was committed on or after February 28, 1990, and
11 kidnapping offenders who are convicted on or after July 27, 1997, for
12 a kidnapping offense that was committed on or after July 27, 1997, but
13 who are not sentenced to serve a term of confinement immediately upon
14 sentencing, shall report to the county sheriff to register immediately
15 upon completion of being sentenced.

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

1 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
2 or juvenile who has been found not guilty by reason of insanity under
3 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
4 February 28, 1990, and who, on or after July 23, 1995, is in custody,
5 as a result of that finding, of the state department of social and
6 health services, or (B) committing a kidnapping offense on, before, or
7 after July 27, 1997, and who on or after July 27, 1997, is in custody,
8 as a result of that finding, of the state department of social and
9 health services, must register within twenty-four hours from the time
10 of release with the county sheriff for the county of the person's
11 residence. The state department of social and health services shall
12 provide notice to the adult or juvenile in its custody of the duty to
13 register. Any adult or juvenile who has been found not guilty by
14 reason of insanity of committing a sex offense on, before, or after
15 February 28, 1990, but who was released before July 23, 1995, or any
16 adult or juvenile who has been found not guilty by reason of insanity
17 of committing a kidnapping offense but who was released before July 27,
18 1997, shall be required to register within twenty-four hours of
19 receiving notice of this registration requirement. The state
20 department of social and health services shall make reasonable attempts
21 within available resources to notify sex offenders who were released
22 before July 23, 1995, and kidnapping offenders who were released before
23 July 27, 1997. Failure to register within twenty-four hours of
24 release, or of receiving notice, constitutes a violation of this
25 section and is punishable as provided in subsection (~~(10)~~) (11) of
26 this section.

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

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

37 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
38 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,

1 who move to another state, or who work, carry on a vocation, or attend
2 school in another state shall register a new address, fingerprints, and
3 photograph with the new state within ten days after establishing
4 residence, or after beginning to work, carry on a vocation, or attend
5 school in the new state. The person must also send written notice
6 within ten days of moving to the new state or to a foreign country to
7 the county sheriff with whom the person last registered in Washington
8 state. The county sheriff shall promptly forward this information to
9 the Washington state patrol.

10 (b) Failure to register within the time required under this section
11 constitutes a per se violation of this section and is punishable as
12 provided in subsection (~~(10)~~) (11) of this section. The county
13 sheriff shall not be required to determine whether the person is living
14 within the county.

15 (c) An arrest on charges of failure to register, service of an
16 information, or a complaint for a violation of this section, or
17 arraignment on charges for a violation of this section, constitutes
18 actual notice of the duty to register. Any person charged with the
19 crime of failure to register under this section who asserts as a
20 defense the lack of notice of the duty to register shall register
21 immediately following actual notice of the duty through arrest,
22 service, or arraignment. Failure to register as required under this
23 subsection (4)(c) constitutes grounds for filing another charge of
24 failing to register. Registering following arrest, service, or
25 arraignment on charges shall not relieve the offender from criminal
26 liability for failure to register prior to the filing of the original
27 charge.

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

31 (5)(a) If any person required to register pursuant to this section
32 changes his or her residence address within the same county, the person
33 must send written notice of the change of address to the county sheriff
34 within seventy-two hours of moving. If any person required to register
35 pursuant to this section moves to a new county, the person must send
36 written notice of the change of address at least fourteen days before
37 moving to the county sheriff in the new county of residence and must
38 register with that county sheriff within twenty-four hours of moving.

1 The person must also send written notice within ten days of the change
2 of address in the new county to the county sheriff with whom the person
3 last registered. The county sheriff with whom the person last
4 registered shall promptly forward the information concerning the change
5 of address to the county sheriff for the county of the person's new
6 residence. Upon receipt of notice of change of address to a new state,
7 the county sheriff shall promptly forward the information regarding the
8 change of address to the agency designated by the new state as the
9 state's offender registration agency.

10 (b) 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.

18 (6)(a) Any person required to register under this section who lacks
19 a fixed residence shall provide written notice to the sheriff of the
20 county where he or she last registered within forty-eight hours
21 excluding weekends and holidays after ceasing to have a fixed
22 residence. The notice shall include the information required by
23 subsection (3)(b) of this section, except the photograph and
24 fingerprints. The county sheriff may, for reasonable cause, require
25 the offender to provide a photograph and fingerprints. The sheriff
26 shall forward this information to the sheriff of the county in which
27 the person intends to reside, if the person intends to reside in
28 another county.

29 (b) A person who lacks a fixed residence must report weekly, in
30 person, to the sheriff of the county where he or she is registered.
31 The weekly report shall be on a day specified by the county sheriff's
32 office, and shall occur during normal business hours. The county
33 sheriff's office may require the person to list the locations where the
34 person has stayed during the last seven days. The lack of a fixed
35 residence is a factor that may be considered in determining an
36 offender's risk level and shall make the offender subject to disclosure
37 of information to the public at large pursuant to RCW 4.24.550.

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

10 (7) All offenders who are required to register pursuant to this
11 section who have a fixed residence and who are designated as a risk
12 level III must report, in person, every ninety days to the sheriff of
13 the county where he or she is registered. The report shall be on a day
14 specified by the county sheriff's office, and shall occur during normal
15 business hours. Failure to report as specified constitutes a per se
16 violation of this section and is punishable as provided in subsection
17 (11) of this section.

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

34 (~~(8)~~) (9) The county sheriff shall obtain a photograph of the
35 individual and shall obtain a copy of the individual's fingerprints.

36 (~~(9)~~) (10) For the purpose of RCW 9A.44.130, 10.01.200,
37 43.43.540, 70.48.470, and 72.09.330:

38 (a) "Sex offense" means:

1 (i) Any offense defined as a sex offense by RCW 9.94A.030;
2 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
3 minor in the second degree);
4 (iii) Any violation under RCW 9.68A.070 (possession of depictions
5 of minors engaged in sexually explicit conduct);
6 (iv) Any violation under RCW 9.68A.090 (communication with a minor
7 for immoral purposes);
8 ~~((iv))~~ (v) Any federal or out-of-state conviction for an offense
9 that under the laws of this state would be classified as a sex offense
10 under this subsection; and
11 ~~((v))~~ (vi) Any gross misdemeanor that is, under chapter 9A.28
12 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy
13 to commit an offense that is classified as a sex offense under RCW
14 9.94A.030 or this subsection.
15 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
16 the first degree, kidnapping in the second degree, and unlawful
17 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
18 minor and the offender is not the minor's parent; (ii) any offense that
19 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
20 or criminal conspiracy to commit an offense that is classified as a
21 kidnapping offense under this subsection ~~((9))~~ (10)(b); and (iii) any
22 federal or out-of-state conviction for an offense that under the laws
23 of this state would be classified as a kidnapping offense under this
24 subsection ~~((9))~~ (10)(b).
25 (c) "Employed" or "carries on a vocation" means employment that is
26 full-time or part-time for a period of time exceeding fourteen days, or
27 for an aggregate period of time exceeding thirty days during any
28 calendar year. A person is employed or carries on a vocation whether
29 the person's employment is financially compensated, volunteered, or for
30 the purpose of government or educational benefit.
31 (d) "Student" means a person who is enrolled, on a full-time or
32 part-time basis, in any public or private educational institution. An
33 educational institution includes any secondary school, trade or
34 professional institution, or institution of higher education.
35 ~~((10))~~ (11)(a) A person who knowingly fails to register with the
36 county sheriff or notify the county sheriff, or who changes his or her
37 name without notifying the county sheriff and the state patrol, as
38 required by this section is guilty of a class C felony if the crime for

1 which the individual was convicted was a felony sex offense as defined
2 in subsection (~~(9)~~) (10)(a) of this section or a federal or out-of-
3 state conviction for an offense that under the laws of this state would
4 be a felony sex offense as defined in subsection (~~(9)~~) (10)(a) of
5 this section.

6 (b) If the crime for which the individual was convicted was other
7 than a felony or a federal or out-of-state conviction for an offense
8 that under the laws of this state would be other than a felony,
9 violation of this section is a gross misdemeanor.

10 (~~(11)~~) (12)(a) A person who knowingly fails to register or who
11 moves within the state without notifying the county sheriff as required
12 by this section is guilty of a class C felony if the crime for which
13 the individual was convicted was a felony kidnapping offense as defined
14 in subsection (~~(9)~~) (10)(b) of this section or a federal or out-of-
15 state conviction for an offense that under the laws of this state would
16 be a felony kidnapping offense as defined in subsection (~~(9)~~) (10)(b)
17 of this section.

18 (b) If the crime for which the individual was convicted was other
19 than a felony or a federal or out-of-state conviction for an offense
20 that under the laws of this state would be other than a felony,
21 violation of this section is a gross misdemeanor.

22 (13) Any person who has reason to believe that a person is not
23 complying, or has not complied, with the requirements of this section
24 and who, with the intent to assist that person in eluding a law
25 enforcement agency that is seeking to find the person to question him
26 or her about, or to arrest him or her for, his or her noncompliance
27 with the requirements of this section:

28 (a) Withholds information from, or does not notify, the law
29 enforcement agency about the person's noncompliance with the
30 requirements of this section, and, if known, the person's whereabouts;

31 (b) Harbors or attempts to harbor, or assists another in harboring
32 or attempting to harbor, the person;

33 (c) Conceals or attempts to conceal, or assists another in
34 concealing or attempting to conceal, the person; or

35 (d) Provides information to the law enforcement agency regarding
36 the person with the knowledge that it is false information
37 is guilty of a class C felony.

1 **Sec. 2.** RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read
2 as follows:

3 (1)(a) Any adult or juvenile residing whether or not the person has
4 a fixed residence, or who is a student, is employed, or carries on a
5 vocation in this state who has been found to have committed or has been
6 convicted of any sex offense or kidnapping offense, or who has been
7 found not guilty by reason of insanity under chapter 10.77 RCW of
8 committing any sex offense or kidnapping offense, shall register with
9 the county sheriff for the county of the person's residence, or if the
10 person is not a resident of Washington, the county of the person's
11 school, or place of employment or vocation, or as otherwise specified
12 in this section. Where a person required to register under this
13 section is in custody of the state department of corrections, the state
14 department of social and health services, a local division of youth
15 services, or a local jail or juvenile detention facility as a result of
16 a sex offense or kidnapping offense, the person shall also register at
17 the time of release from custody with an official designated by the
18 agency that has jurisdiction over the person.

19 (b) Any adult or juvenile who is required to register under (a) of
20 this subsection:

21 (i) Who is attending, or planning to attend, a public or private
22 school regulated under Title 28A RCW or chapter 72.40 RCW shall, within
23 ten days of enrolling or prior to arriving at the school to attend
24 classes, whichever is earlier, notify the sheriff for the county of the
25 person's residence of the person's intent to attend the school, and the
26 sheriff shall promptly notify the principal of the school;

27 (ii) Who is admitted to a public or private institution of higher
28 education shall, within ten days of enrolling or by the first business
29 day after arriving at the institution, whichever is earlier, notify the
30 sheriff for the county of the person's residence of the person's intent
31 to attend the institution;

32 (iii) Who gains employment at a public or private institution of
33 higher education shall, within ten days of accepting employment or by
34 the first business day after commencing work at the institution,
35 whichever is earlier, notify the sheriff for the county of the person's
36 residence of the person's employment by the institution; or

37 (iv) Whose enrollment or employment at a public or private
38 institution of higher education is terminated shall, within ten days of

1 such termination, notify the sheriff for the county of the person's
2 residence of the person's termination of enrollment or employment at
3 the institution.

4 (c) Persons required to register under this section who are
5 enrolled in a public or private institution of higher education on June
6 11, 1998, or a public or private school regulated under Title 28A RCW
7 or chapter 72.40 RCW on September 1, 2006, must notify the county
8 sheriff immediately.

9 (d) The sheriff shall notify the school's principal or
10 institution's department of public safety and shall provide that
11 department with the same information provided to a county sheriff under
12 subsection (3) of this section.

13 (e)(i) A principal receiving notice under this subsection must
14 disclose the information received from the sheriff under (b) of this
15 subsection as follows:

16 (A) If the student who is required to register as a sex offender is
17 classified as a risk level II or III, the principal shall provide the
18 information received to every teacher of any student required to
19 register under (a) of this subsection and to any other personnel who,
20 in the judgment of the principal, supervises the student or for
21 security purposes should be aware of the student's record;

22 (B) If the student who is required to register as a sex offender is
23 classified as a risk level I, the principal shall provide the
24 information received only to personnel who, in the judgment of the
25 principal, for security purposes should be aware of the student's
26 record.

27 (ii) Any information received by a principal or school personnel
28 under this subsection is confidential and may not be further
29 disseminated except as provided in RCW 28A.225.330, other statutes or
30 case law, and the family and educational and privacy rights act of
31 1994, 20 U.S.C. Sec. 1232g et seq.

32 (2) This section may not be construed to confer any powers pursuant
33 to RCW ((~~4.24.500~~)) 4.24.550 upon the public safety department of any
34 public or private school or institution of higher education.

35 (3)(a) The person shall provide the following information when
36 registering: (i) Name; (ii) address; (iii) date and place of birth;
37 (iv) place of employment; (v) crime for which convicted; (vi) date and

1 place of conviction; (vii) aliases used; (viii) social security number;
2 (ix) photograph; and (x) fingerprints.

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

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

13 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
14 offense on, before, or after February 28, 1990, and who, on or after
15 July 28, 1991, are in custody, as a result of that offense, of the
16 state department of corrections, the state department of social and
17 health services, a local division of youth services, or a local jail or
18 juvenile detention facility, and (B) kidnapping offenders who on or
19 after July 27, 1997, are in custody of the state department of
20 corrections, the state department of social and health services, a
21 local division of youth services, or a local jail or juvenile detention
22 facility, must register at the time of release from custody with an
23 official designated by the agency that has jurisdiction over the
24 offender. The agency shall within three days forward the registration
25 information to the county sheriff for the county of the offender's
26 anticipated residence. The offender must also register within twenty-
27 four hours from the time of release with the county sheriff for the
28 county of the person's residence, or if the person is not a resident of
29 Washington, the county of the person's school, or place of employment
30 or vocation. The agency that has jurisdiction over the offender shall
31 provide notice to the offender of the duty to register. Failure to
32 register at the time of release and within twenty-four hours of release
33 constitutes a violation of this section and is punishable as provided
34 in subsection (~~((10))~~) (11) of this section.

35 When the agency with jurisdiction intends to release an offender
36 with a duty to register under this section, and the agency has
37 knowledge that the offender is eligible for developmental disability
38 services from the department of social and health services, the agency

1 shall notify the division of developmental disabilities of the release.
2 Notice shall occur not more than thirty days before the offender is to
3 be released. The agency and the division shall assist the offender in
4 meeting the initial registration requirement under this section.
5 Failure to provide such assistance shall not constitute a defense for
6 any violation of this section.

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

27 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
28 or after July 23, 1995, and kidnapping offenders who, on or after July
29 27, 1997, as a result of that offense are in the custody of the United
30 States bureau of prisons or other federal or military correctional
31 agency for sex offenses committed before, on, or after February 28,
32 1990, or kidnapping offenses committed on, before, or after July 27,
33 1997, must register within twenty-four hours from the time of release
34 with the county sheriff for the county of the person's residence, or if
35 the person is not a resident of Washington, the county of the person's
36 school, or place of employment or vocation. Sex offenders who, on July
37 23, 1995, are not in custody but are under the jurisdiction of the
38 United States bureau of prisons, United States courts, United States

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

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

24 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
25 RESIDENTS. Sex offenders and kidnapping offenders who move to
26 Washington state from another state or a foreign country that are not
27 under the jurisdiction of the state department of corrections, the
28 indeterminate sentence review board, or the state department of social
29 and health services at the time of moving to Washington, must register
30 within thirty days of establishing residence or reestablishing
31 residence if the person is a former Washington resident. The duty to
32 register under this subsection applies to sex offenders convicted under
33 the laws of another state or a foreign country, federal or military
34 statutes, or Washington state for offenses committed before, on, or
35 after February 28, 1990, and to kidnapping offenders convicted under
36 the laws of another state or a foreign country, federal or military
37 statutes, or Washington state for offenses committed before, on, or
38 after July 27, 1997. Sex offenders and kidnapping offenders from other

1 states or a foreign country who, when they move to Washington, are
2 under the jurisdiction of the department of corrections, the
3 indeterminate sentence review board, or the department of social and
4 health services must register within twenty-four hours of moving to
5 Washington. The agency that has jurisdiction over the offender shall
6 notify the offender of the registration requirements before the
7 offender moves to Washington.

8 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
9 or juvenile who has been found not guilty by reason of insanity under
10 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
11 February 28, 1990, and who, on or after July 23, 1995, is in custody,
12 as a result of that finding, of the state department of social and
13 health services, or (B) committing a kidnapping offense on, before, or
14 after July 27, 1997, and who on or after July 27, 1997, is in custody,
15 as a result of that finding, of the state department of social and
16 health services, must register within twenty-four hours from the time
17 of release with the county sheriff for the county of the person's
18 residence. The state department of social and health services shall
19 provide notice to the adult or juvenile in its custody of the duty to
20 register. Any adult or juvenile who has been found not guilty by
21 reason of insanity of committing a sex offense on, before, or after
22 February 28, 1990, but who was released before July 23, 1995, or any
23 adult or juvenile who has been found not guilty by reason of insanity
24 of committing a kidnapping offense but who was released before July 27,
25 1997, shall be required to register within twenty-four hours of
26 receiving notice of this registration requirement. The state
27 department of social and health services shall make reasonable attempts
28 within available resources to notify sex offenders who were released
29 before July 23, 1995, and kidnapping offenders who were released before
30 July 27, 1997. Failure to register within twenty-four hours of
31 release, or of receiving notice, constitutes a violation of this
32 section and is punishable as provided in subsection (~~((10))~~) (11) of
33 this section.

34 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
35 a fixed residence and leaves the county in which he or she is
36 registered and enters and remains within a new county for twenty-four
37 hours is required to register with the county sheriff not more than

1 twenty-four hours after entering the county and provide the information
2 required in subsection (3)(b) of this section.

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

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

18 (b) Failure to register within the time required under this section
19 constitutes a per se violation of this section and is punishable as
20 provided in subsection (~~((+10+))~~) (11) of this section. The county
21 sheriff shall not be required to determine whether the person is living
22 within the county.

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

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

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

18 (b) It is an affirmative defense to a charge that the person failed
19 to send a notice at least fourteen days in advance of moving as
20 required under (a) of this subsection that the person did not know the
21 location of his or her new residence at least fourteen days before
22 moving. The defendant must establish the defense by a preponderance of
23 the evidence and, to prevail on the defense, must also prove by a
24 preponderance that the defendant sent the required notice within
25 twenty-four hours of determining the new address.

26 (6)(a) Any person required to register under this section who lacks
27 a fixed residence shall provide written notice to the sheriff of the
28 county where he or she last registered within forty-eight hours
29 excluding weekends and holidays after ceasing to have a fixed
30 residence. The notice shall include the information required by
31 subsection (3)(b) of this section, except the photograph and
32 fingerprints. The county sheriff may, for reasonable cause, require
33 the offender to provide a photograph and fingerprints. The sheriff
34 shall forward this information to the sheriff of the county in which
35 the person intends to reside, if the person intends to reside in
36 another county.

37 (b) A person who lacks a fixed residence must report weekly, in
38 person, to the sheriff of the county where he or she is registered.

1 The weekly report shall be on a day specified by the county sheriff's
2 office, and shall occur during normal business hours. The county
3 sheriff's office may require the person to list the locations where the
4 person has stayed during the last seven days. The lack of a fixed
5 residence is a factor that may be considered in determining an
6 offender's risk level and shall make the offender subject to disclosure
7 of information to the public at large pursuant to RCW 4.24.550.

8 (c) If any person required to register pursuant to this section
9 does not have a fixed residence, it is an affirmative defense to the
10 charge of failure to register, that he or she provided written notice
11 to the sheriff of the county where he or she last registered within
12 forty-eight hours excluding weekends and holidays after ceasing to have
13 a fixed residence and has subsequently complied with the requirements
14 of subsections (4)(a)(vii) or (viii) and (6) of this section. To
15 prevail, the person must prove the defense by a preponderance of the
16 evidence.

17 (7) All offenders who are required to register pursuant to this
18 section who have a fixed residence and who are designated as a risk
19 level III must report, in person, every ninety days to the sheriff of
20 the county where he or she is registered. The report shall be on a day
21 specified by the county sheriff's office, and shall occur during normal
22 business hours. Failure to report as specified constitutes a per se
23 violation of this section and is punishable as provided in subsection
24 (11) of this section.

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

1 copy of the order to the county sheriff of the county of the person's
2 residence and to the state patrol within five days of the entry of the
3 order.

4 ~~((+8+))~~ (9) The county sheriff shall obtain a photograph of the
5 individual and shall obtain a copy of the individual's fingerprints.

6 ~~((+9+))~~ (10) For the purpose of RCW 9A.44.130, 10.01.200,
7 43.43.540, 70.48.470, and 72.09.330:

8 (a) "Sex offense" means:

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

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

12 (iii) Any violation under RCW 9.68A.070 (possession of depictions
13 of minors engaged in sexually explicit conduct);

14 (iv) Any violation under RCW 9.68A.090 (communication with a minor
15 for immoral purposes);

16 ~~((+iv+))~~ (v) Any federal or out-of-state conviction for an offense
17 that under the laws of this state would be classified as a sex offense
18 under this subsection; and

19 ~~((+v+))~~ (vi) Any gross misdemeanor that is, under chapter 9A.28
20 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy
21 to commit an offense that is classified as a sex offense under RCW
22 9.94A.030 or this subsection.

23 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
24 the first degree, kidnapping in the second degree, and unlawful
25 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
26 minor and the offender is not the minor's parent; (ii) any offense that
27 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
28 or criminal conspiracy to commit an offense that is classified as a
29 kidnapping offense under this subsection ~~((+9+))~~ (10)(b); and (iii) any
30 federal or out-of-state conviction for an offense that under the laws
31 of this state would be classified as a kidnapping offense under this
32 subsection ~~((+9+))~~ (10)(b).

33 (c) "Employed" or "carries on a vocation" means employment that is
34 full-time or part-time for a period of time exceeding fourteen days, or
35 for an aggregate period of time exceeding thirty days during any
36 calendar year. A person is employed or carries on a vocation whether
37 the person's employment is financially compensated, volunteered, or for
38 the purpose of government or educational benefit.

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

5 ~~((+10+))~~ (11)(a) A person who knowingly fails to register with the
6 county sheriff or notify the county sheriff, or who changes his or her
7 name without notifying the county sheriff and the state patrol, as
8 required by this section is guilty of a class C felony if the crime for
9 which the individual was convicted was a felony sex offense as defined
10 in subsection ~~((+9+))~~ (10)(a) of this section or a federal or out-of-
11 state conviction for an offense that under the laws of this state would
12 be a felony sex offense as defined in subsection ~~((+9+))~~ (10)(a) of
13 this section.

14 (b) If the crime for which the individual was convicted was other
15 than a felony or a federal or out-of-state conviction for an offense
16 that under the laws of this state would be other than a felony,
17 violation of this section is a gross misdemeanor.

18 ~~((+11+))~~ (12)(a) A person who knowingly fails to register or who
19 moves within the state without notifying the county sheriff 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 kidnapping offense as defined
22 in subsection ~~((+9+))~~ (10)(b) of this section or a federal or out-of-
23 state conviction for an offense that under the laws of this state would
24 be a felony kidnapping offense as defined in subsection ~~((+9+))~~ (10)(b)
25 of this section.

26 (b) If the crime for which the individual was convicted was other
27 than a felony or a federal or out-of-state conviction for an offense
28 that under the laws of this state would be other than a felony,
29 violation of this section is a gross misdemeanor.

30 ~~((+12+))~~ (13) Any person who has reason to believe that a person is
31 not complying, or has not complied, with the requirements of this
32 section and who, with the intent to assist that person in eluding a law
33 enforcement agency that is seeking to find the person to question him
34 or her about, or to arrest him or her for, his or her noncompliance
35 with the requirements of this section:

36 (a) Withholds information from, or does not notify, the law
37 enforcement agency about the person's noncompliance with the
38 requirements of this section, and, if known, the person's whereabouts;

1 (b) Harbors or attempts to harbor, or assists another in harboring
2 or attempting to harbor, the person;

3 (c) Conceals or attempts to conceal, or assists another in
4 concealing or attempting to conceal, the person; or

5 (d) Provides information to the law enforcement agency regarding
6 the person with the knowledge that it is false information
7 is guilty of a class C felony.

8 (14) Except as may otherwise be provided by law, nothing in this
9 section shall impose any liability upon a peace officer, including a
10 county sheriff, or law enforcement agency, for failing to release
11 information authorized under this section.

12 NEW SECTION. Sec. 3. Section 1 of this act expires September 1,
13 2006.

14 NEW SECTION. Sec. 4. Section 2 of this act takes effect September
15 1, 2006.

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