

---

HOUSE BILL 1034

---

State of Washington

64th Legislature

2015 Regular Session

By Representatives Moeller, Appleton, Springer, Jinkins, Gregerson, Stanford, S. Hunt, Ormsby, and Walkinshaw

Prefiled 12/08/14. Read first time 01/12/15. Referred to Committee on Judiciary.

1 AN ACT Relating to surname changes; amending RCW 9A.44.130;  
2 adding a new section to chapter 26.04 RCW; prescribing penalties; and  
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.04  
6 RCW to read as follows:

7 (1) Any person desiring to change his or her surname at the time  
8 of marriage may so indicate in the space provided on the Washington  
9 state department of health marriage certificate form. A copy of a  
10 marriage certificate, certified by the state registrar or the  
11 recording officer in the county of record and on which a new surname  
12 is entered, shall be accepted at state and local government offices  
13 for purposes of effectuating such a surname change.

14 (2) An offender under the jurisdiction of the department of  
15 corrections who changes his or her name at the time of marriage by so  
16 indicating on the marriage certificate shall submit a copy of the  
17 marriage certificate to the department of corrections within five  
18 days of the solemnization of marriage. Violation of this subsection  
19 is a misdemeanor.

20 (3) A sex offender subject to registration under RCW 9A.44.130  
21 who changes his or her name at the time of marriage by so indicating

1 on the marriage certificate shall follow the procedures set forth in  
2 RCW 9A.44.130(6).

3 **Sec. 2.** RCW 9A.44.130 and 2011 c 337 s 3 are each amended to  
4 read as follows:

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

22 (b) Any adult or juvenile who is required to register under (a)  
23 of this subsection must give notice to the county sheriff of the  
24 county with whom the person is registered within three business days:

25 (i) Prior to arriving at a school or institution of higher  
26 education to attend classes;

27 (ii) Prior to starting work at an institution of higher  
28 education; or

29 (iii) After any termination of enrollment or employment at a  
30 school or institution of higher education.

31 (2)(a) A person required to register under this section must  
32 provide the following information when registering: (i) Name and any  
33 aliases used; (ii) complete and accurate residential address or, if  
34 the person lacks a fixed residence, where he or she plans to stay;  
35 (iii) date and place of birth; (iv) place of employment; (v) crime  
36 for which convicted; (vi) date and place of conviction; (vii) social  
37 security number; (viii) photograph; and (ix) fingerprints.

38 (b) A person may be required to update any of the information  
39 required in this subsection in conjunction with any address

1 verification conducted by the county sheriff or as part of any notice  
2 required by this section.

3 (c) A photograph or copy of an individual's fingerprints may be  
4 taken at any time to update an individual's file.

5 (3)(a) Offenders shall register with the county sheriff within  
6 the following deadlines:

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

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  
31 agency shall notify the division of developmental disabilities of the  
32 release. Notice shall occur not more than thirty days before the  
33 offender is to be released. The agency and the division shall assist  
34 the offender in meeting the initial registration requirement under  
35 this section. Failure to provide such assistance shall not constitute  
36 a defense for 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  
39 but are under the jurisdiction of the indeterminate sentence review  
40 board or under the department of corrections' active supervision, as

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

16 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
17 or after July 23, 1995, and kidnapping offenders who, on or after  
18 July 27, 1997, as a result of that offense are in the custody of the  
19 United States bureau of prisons or other federal or military  
20 correctional agency for sex offenses committed before, on, or after  
21 February 28, 1990, or kidnapping offenses committed on, before, or  
22 after July 27, 1997, must register within three business days from  
23 the time of release with the county sheriff for the county of the  
24 person's residence, or if the person is not a resident of Washington,  
25 the county of the person's school, or place of employment or  
26 vocation. Sex offenders who, on July 23, 1995, are not in custody but  
27 are under the jurisdiction of the United States bureau of prisons,  
28 United States courts, United States parole commission, or military  
29 parole board for sex offenses committed before, on, or after February  
30 28, 1990, must register within ten days of July 23, 1995. Kidnapping  
31 offenders who, on July 27, 1997, are not in custody but are under the  
32 jurisdiction of the United States bureau of prisons, United States  
33 courts, United States parole commission, or military parole board for  
34 kidnapping offenses committed before, on, or after July 27, 1997,  
35 must register within ten days of July 27, 1997. A change in  
36 supervision status of a sex offender who was required to register  
37 under this subsection (3)(a)(iii) as of July 23, 1995, or a  
38 kidnapping offender required to register as of July 27, 1997 shall  
39 not relieve the offender of the duty to register or to reregister  
40 following a change in residence, or if the person is not a resident

1 of Washington, the county of the person's school, or place of  
2 employment or vocation.

3 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
4 who are convicted of a sex offense on or after July 28, 1991, for a  
5 sex offense that was committed on or after February 28, 1990, and  
6 kidnapping offenders who are convicted on or after July 27, 1997, for  
7 a kidnapping offense that was committed on or after July 27, 1997,  
8 but who are not sentenced to serve a term of confinement immediately  
9 upon sentencing, shall report to the county sheriff to register  
10 within three business days of being sentenced.

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

34 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
35 or juvenile who has been found not guilty by reason of insanity under  
36 chapter 10.77 RCW of (A) committing a sex offense on, before, or  
37 after February 28, 1990, and who, on or after July 23, 1995, is in  
38 custody, as a result of that finding, of the state department of  
39 social and health services, or (B) committing a kidnapping offense  
40 on, before, or after July 27, 1997, and who on or after July 27,

1 1997, is in custody, as a result of that finding, of the state  
2 department of social and health services, must register within three  
3 business days from the time of release with the county sheriff for  
4 the county of the person's residence. The state department of social  
5 and health services shall provide notice to the adult or juvenile in  
6 its custody of the duty to register. Any adult or juvenile who has  
7 been found not guilty by reason of insanity of committing a sex  
8 offense on, before, or after February 28, 1990, but who was released  
9 before July 23, 1995, or any adult or juvenile who has been found not  
10 guilty by reason of insanity of committing a kidnapping offense but  
11 who was released before July 27, 1997, shall be required to register  
12 within three business days of receiving notice of this registration  
13 requirement.

14 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks  
15 a fixed residence and leaves the county in which he or she is  
16 registered and enters and remains within a new county for twenty-four  
17 hours is required to register with the county sheriff not more than  
18 three business days after entering the county and provide the  
19 information required in subsection (2)(a) of this section.

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

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

36 (b) The county sheriff shall not be required to determine whether  
37 the person is living within the county.

38 (c) An arrest on charges of failure to register, service of an  
39 information, or a complaint for a violation of RCW 9A.44.132, or  
40 arraignment on charges for a violation of RCW 9A.44.132, constitutes

1 actual notice of the duty to register. Any person charged with the  
2 crime of failure to register under RCW 9A.44.132 who asserts as a  
3 defense the lack of notice of the duty to register shall register  
4 within three business days following actual notice of the duty  
5 through arrest, service, or arraignment. Failure to register as  
6 required under this subsection (3)(c) constitutes grounds for filing  
7 another charge of failing to register. Registering following arrest,  
8 service, or arraignment on charges shall not relieve the offender  
9 from criminal liability for failure to register prior to the filing  
10 of the original charge.

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

14 (4)(a) If any person required to register pursuant to this  
15 section changes his or her residence address within the same county,  
16 the person must provide, by certified mail, with return receipt  
17 requested or in person, signed written notice of the change of  
18 address to the county sheriff within three business days of moving.

19 (b) If any person required to register pursuant to this section  
20 moves to a new county, the person must register with that county  
21 sheriff within three business days of moving. Within three business  
22 days, the person must also provide, by certified mail, with return  
23 receipt requested or in person, signed written notice of the change  
24 of address in the new county to the county sheriff with whom the  
25 person last registered. The county sheriff with whom the person last  
26 registered shall promptly forward the information concerning the  
27 change of address to the county sheriff for the county of the  
28 person's new residence. Upon receipt of notice of change of address  
29 to a new state, the county sheriff shall promptly forward the  
30 information regarding the change of address to the agency designated  
31 by the new state as the state's offender registration agency.

32 (5)(a) Any person required to register under this section who  
33 lacks a fixed residence shall provide signed written notice to the  
34 sheriff of the county where he or she last registered within three  
35 business days after ceasing to have a fixed residence. The notice  
36 shall include the information required by subsection (2)(a) of this  
37 section, except the photograph and fingerprints. The county sheriff  
38 may, for reasonable cause, require the offender to provide a  
39 photograph and fingerprints. The sheriff shall forward this

1 information to the sheriff of the county in which the person intends  
2 to reside, if the person intends to reside in another county.

3 (b) A person who lacks a fixed residence must report weekly, in  
4 person, to the sheriff of the county where he or she is registered.  
5 The weekly report shall be on a day specified by the county sheriff's  
6 office, and shall occur during normal business hours. The person must  
7 keep an accurate accounting of where he or she stays during the week  
8 and provide it to the county sheriff upon request. The lack of a  
9 fixed residence is a factor that may be considered in determining an  
10 offender's risk level and shall make the offender subject to  
11 disclosure of information to the public at large pursuant to RCW  
12 4.24.550.

13 (c) If any person required to register pursuant to this section  
14 does not have a fixed residence, it is an affirmative defense to the  
15 charge of failure to register, that he or she provided written notice  
16 to the sheriff of the county where he or she last registered within  
17 three business days of ceasing to have a fixed residence and has  
18 subsequently complied with the requirements of subsections  
19 (3)(a)(vii) or (viii) and (5) of this section. To prevail, the person  
20 must prove the defense by a preponderance of the evidence.

21 (6) A sex offender subject to registration requirements under  
22 this section who applies to change his or her name under RCW 4.24.130  
23 or section 1 of this act or any other law shall submit a copy of the  
24 application to the county sheriff of the county of the person's  
25 residence and to the state patrol not fewer than five days before the  
26 entry of an order granting the name change. No sex offender under the  
27 requirement to register under this section at the time of application  
28 shall be granted an order changing his or her name if the court finds  
29 that doing so will interfere with legitimate law enforcement  
30 interests, except that no order shall be denied when the name change  
31 is requested for religious or legitimate cultural reasons or in  
32 recognition of marriage or dissolution of marriage. A sex offender  
33 under the requirement to register under this section who receives an  
34 order or a marriage certificate changing his or her name shall submit  
35 a copy of the order or marriage certificate to the county sheriff of  
36 the county of the person's residence and to the state patrol within  
37 three business days of the entry of the order.

38 (7) Except as may otherwise be provided by law, nothing in this  
39 section shall impose any liability upon a peace officer, including a



1 county sheriff, or law enforcement agency, for failing to release  
2 information authorized under this section.

3 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2016.

--- END ---