
SENATE BILL 5430

State of Washington 65th Legislature 2017 Regular Session

By Senators Pearson, Fortunato, and Conway

Read first time 01/24/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to notice to a victim when a registered out-of-
2 state sex offender moves to Washington; and amending RCW 9A.44.130.

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

4 **Sec. 1.** RCW 9A.44.130 and 2015 c 261 s 3 are each amended to
5 read as follows:

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

1 custody with an official designated by the agency that has
2 jurisdiction over the person.

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

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

8 (ii) Prior to starting work at an institution of higher
9 education; or

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

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

19 (b) A person may be required to update any of the information
20 required in this subsection in conjunction with any address
21 verification conducted by the county sheriff or as part of any notice
22 required by this section.

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

25 (3) Any person required to register under this section who
26 intends to travel outside the United States must provide, by
27 certified mail, with return receipt requested, or in person, signed
28 written notice of the plan to travel outside the country to the
29 county sheriff of the county with whom the person is registered at
30 least twenty-one days prior to travel. The notice shall include the
31 following information: (a) Name; (b) passport number and country; (c)
32 destination; (d) itinerary details including departure and return
33 dates; (e) means of travel; and (f) purpose of travel. If the
34 offender subsequently cancels or postpones travel outside the United
35 States, the offender must notify the county sheriff not later than
36 three days after cancellation or postponement of the intended travel
37 outside the United States or on the departure date provided in the
38 notification, whichever is earlier. The county sheriff shall notify
39 the United States marshals service as soon as practicable after
40 receipt of the notification. In cases of unexpected travel due to

1 family or work emergencies, or for offenders who travel routinely
2 across international borders for work-related purposes, the notice
3 must be submitted in person at least twenty-four hours prior to
4 travel to the sheriff of the county where such offenders are
5 registered with a written explanation of the circumstances that make
6 compliance with this subsection (3) impracticable.

7 (4)(a) Offenders shall register with the county sheriff within
8 the following deadlines:

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

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

33 When a person required to register under this section is in the
34 custody of the state department of corrections or a local corrections
35 or probations agency and has been approved for partial confinement as
36 defined in RCW 9.94A.030, the person must register at the time of
37 transfer to partial confinement with the official designated by the
38 agency that has jurisdiction over the offender. The agency shall
39 within three days forward the registration information to the county
40 sheriff for the county in which the offender is in partial

1 confinement. The offender must also register within three business
2 days from the time of the termination of partial confinement or
3 release from confinement with the county sheriff for the county of
4 the person's residence. The agency that has jurisdiction over the
5 offender shall provide notice to the offender of the duty to
6 register.

7 (ii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders or
8 kidnapping offenders who are in the custody of the United States
9 bureau of prisons or other federal or military correctional agency
10 must register within three business days from the time of release
11 with the county sheriff for the county of the person's residence, or
12 if the person is not a resident of Washington, the county of the
13 person's school, or place of employment or vocation.

14 (iii) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
15 who are convicted of a sex offense and kidnapping offenders who are
16 convicted for a kidnapping offense but who are not sentenced to serve
17 a term of confinement immediately upon sentencing shall report to the
18 county sheriff to register within three business days of being
19 sentenced.

20 (iv) OFFENDERS WHO ARE NEW RESIDENTS, TEMPORARY RESIDENTS, OR
21 RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping
22 offenders who move to Washington state from another state or a
23 foreign country must register within three business days of
24 establishing residence or reestablishing residence if the person is a
25 former Washington resident. If the offender is under the jurisdiction
26 of an agency of this state when the offender moves to Washington, the
27 agency shall provide notice to the offender of the duty to register.
28 The agency must notify any victim of the offender who resides in
29 Washington via the victim's choice of telephone, letter, or email, if
30 known.

31 Sex offenders and kidnapping offenders who are visiting
32 Washington state and intend to reside or be present in the state for
33 ten days or more shall register his or her temporary address or where
34 he or she plans to stay with the county sheriff of each county where
35 the offender will be staying within three business days of arrival.
36 Registration for temporary residents shall include the information
37 required by subsection (2)(a) of this section, except the photograph
38 and fingerprints.

39 (v) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
40 or juvenile who has been found not guilty by reason of insanity under

1 chapter 10.77 RCW of committing a sex offense or a kidnapping offense
2 and who is in custody, as a result of that finding, of the state
3 department of social and health services, must register within three
4 business days from the time of release with the county sheriff for
5 the county of the person's residence. The state department of social
6 and health services shall provide notice to the adult or juvenile in
7 its custody of the duty to register.

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

14 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
15 SUPERVISION. Offenders who lack a fixed residence and who are under
16 the supervision of the department shall register in the county of
17 their supervision.

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

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

32 (c) An arrest on charges of failure to register, service of an
33 information, or a complaint for a violation of RCW 9A.44.132, or
34 arraignment on charges for a violation of RCW 9A.44.132, constitutes
35 actual notice of the duty to register. Any person charged with the
36 crime of failure to register under RCW 9A.44.132 who asserts as a
37 defense the lack of notice of the duty to register shall register
38 within three business days following actual notice of the duty
39 through arrest, service, or arraignment. Failure to register as
40 required under this subsection (4)(c) constitutes grounds for filing

1 another charge of failing to register. Registering following arrest,
2 service, or arraignment on charges shall not relieve the offender
3 from criminal liability for failure to register prior to the filing
4 of the original charge.

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

10 (b) If any person required to register pursuant to this section
11 moves to a new county, within three business days of moving the
12 person must register with the county sheriff of the county into which
13 the person has moved and provide, by certified mail, with return
14 receipt requested or in person, signed written notice of the change
15 of address to the county sheriff with whom the person last
16 registered. The county sheriff with whom the person last registered
17 is responsible for address verification pursuant to RCW 9A.44.135
18 until the person completes registration of his or her new residence
19 address.

20 (6)(a) Any person required to register under this section who
21 lacks a fixed residence shall provide signed written notice to the
22 sheriff of the county where he or she last registered within three
23 business days after ceasing to have a fixed residence. The notice
24 shall include the information required by subsection (2)(a) of this
25 section, except the photograph and fingerprints. The county sheriff
26 may, for reasonable cause, require the offender to provide a
27 photograph and fingerprints. The sheriff shall forward this
28 information to the sheriff of the county in which the person intends
29 to reside, if the person intends to reside in another county.

30 (b) A person who lacks a fixed residence must report weekly, in
31 person, to the sheriff of the county where he or she is registered.
32 The weekly report shall be on a day specified by the county sheriff's
33 office, and shall occur during normal business hours. The person must
34 keep an accurate accounting of where he or she stays during the week
35 and provide it to the county sheriff upon request. The lack of a
36 fixed residence is a factor that may be considered in determining an
37 offender's risk level and shall make the offender subject to
38 disclosure of information to the public at large pursuant to RCW
39 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 three business days of ceasing to have a fixed residence and has
6 subsequently complied with the requirements of subsections (4)(a)(vi)
7 or (vii) and (6) of this section. To prevail, the person must prove
8 the defense by a preponderance of the evidence.

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

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

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