

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5083

65th Legislature
2017 Regular Session

Passed by the Senate February 8, 2017
Yeas 48 Nays 0

President of the Senate

Passed by the House April 5, 2017
Yeas 97 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5083** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5083

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By Senate Law & Justice (originally sponsored by Senator Pearson)

READ FIRST TIME 01/26/17.

1 AN ACT Relating to notice of relief from the duty to register;
2 and amending RCW 9A.44.142 and 9A.44.143.

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

4 **Sec. 1.** RCW 9A.44.142 and 2015 c 261 s 8 are each amended to
5 read as follows:

6 (1) A person who is required to register under RCW 9A.44.130 may
7 petition the superior court to be relieved of the duty to register:

8 (a) If the person has a duty to register for a sex offense or
9 kidnapping offense committed when the offender was a juvenile,
10 regardless of whether the conviction was in this state, as provided
11 in RCW 9A.44.143;

12 (b) If the person is required to register for a conviction in
13 this state and is not prohibited from petitioning for relief from
14 registration under subsection (2) of this section, when the person
15 has spent ten consecutive years in the community without being
16 convicted of a disqualifying offense during that time period; or

17 (c) If the person is required to register for a federal, tribal,
18 or out-of-state conviction, when the person has spent fifteen
19 consecutive years in the community without being convicted of a
20 disqualifying offense during that time period.

1 (2)(a) A person may not petition for relief from registration if
2 the person has been:

3 (i) Determined to be a sexually violent predator pursuant to
4 chapter 71.09 RCW; or

5 (ii) Convicted as an adult of a sex offense or kidnapping offense
6 that is a class A felony and that was committed with forcible
7 compulsion on or after June 8, 2000.

8 (b) Any person who may not be relieved of the duty to register
9 may petition the court to be exempted from any community notification
10 requirements that the person may be subject to fifteen years after
11 the later of the entry of the judgment and sentence or the last date
12 of release from confinement, including full-time residential
13 treatment, pursuant to the conviction, if the person has spent the
14 time in the community without being convicted of a disqualifying
15 offense.

16 (3) A petition for relief from registration or exemption from
17 notification under this section shall be made to the court in which
18 the petitioner was convicted of the offense that subjects him or her
19 to the duty to register or, in the case of convictions in other
20 states, a foreign country, or a federal, tribal, or military court,
21 to the court in the county where the person is registered at the time
22 the petition is sought. The prosecuting attorney of the county shall
23 be named and served as the respondent in any such petition. The
24 prosecuting attorney must make reasonable efforts to notify the
25 victim via the victim's choice of telephone, letter, or email, if
26 known.

27 (4)(a) The court may relieve a petitioner of the duty to register
28 only if the petitioner shows by clear and convincing evidence that
29 the petitioner is sufficiently rehabilitated to warrant removal from
30 the central registry of sex offenders and kidnapping offenders.

31 (b) In determining whether the petitioner is sufficiently
32 rehabilitated to warrant removal from the registry, the following
33 factors are provided as guidance to assist the court in making its
34 determination:

35 (i) The nature of the registrable offense committed including the
36 number of victims and the length of the offense history;

37 (ii) Any subsequent criminal history;

38 (iii) The petitioner's compliance with supervision requirements;

39 (iv) The length of time since the charged incident(s) occurred;

1 (v) Any input from community corrections officers, law
2 enforcement, or treatment providers;
3 (vi) Participation in sex offender treatment;
4 (vii) Participation in other treatment and rehabilitative
5 programs;
6 (viii) The offender's stability in employment and housing;
7 (ix) The offender's community and personal support system;
8 (x) Any risk assessments or evaluations prepared by a qualified
9 professional;
10 (xi) Any updated polygraph examination;
11 (xii) Any input of the victim;
12 (xiii) Any other factors the court may consider relevant.
13 (5) If a person is relieved of the duty to register pursuant to
14 this section, the relief of registration does not constitute a
15 certificate of rehabilitation, or the equivalent of a certificate of
16 rehabilitation, for the purposes of restoration of firearm possession
17 under RCW 9.41.040.

18 **Sec. 2.** RCW 9A.44.143 and 2015 c 261 s 9 are each amended to
19 read as follows:

20 (1) An offender having a duty to register under RCW 9A.44.130 for
21 a sex offense or kidnapping offense committed when the offender was a
22 juvenile, and who has not been determined to be a sexually violent
23 predator pursuant to chapter 71.09 RCW may petition the superior
24 court to be relieved of that duty as provided in this section.

25 (2) For class A sex offenses or kidnapping offenses committed
26 when the petitioner was fifteen years of age or older, the court may
27 relieve the petitioner of the duty to register if:

28 (a) At least sixty months have passed since the petitioner's
29 adjudication and completion of any term of confinement for the
30 offense giving rise to the duty to register and the petitioner has
31 not been adjudicated or convicted of any additional sex offenses or
32 kidnapping offenses within the sixty months before the petition;

33 (b) The petitioner has not been adjudicated or convicted of a
34 violation of RCW 9A.44.132 (failure to register) during the sixty
35 months prior to filing the petition; and

36 (c) The petitioner shows by a preponderance of the evidence that
37 the petitioner is sufficiently rehabilitated to warrant removal from
38 the central registry of sex offenders and kidnapping offenders.

1 (3) For all other sex offenses or kidnapping offenses committed
2 by a juvenile not included in subsection (2) of this section, the
3 court may relieve the petitioner of the duty to register if:

4 (a) At least twenty-four months have passed since the
5 petitioner's adjudication and completion of any term of confinement
6 for the offense giving rise to the duty to register and the
7 petitioner has not been adjudicated or convicted of any additional
8 sex offenses or kidnapping offenses within the twenty-four months
9 before the petition;

10 (b) The petitioner has not been adjudicated or convicted of a
11 violation of RCW 9A.44.132 (failure to register) during the twenty-
12 four months prior to filing the petition; and

13 (c) The petitioner shows by a preponderance of the evidence that
14 the petitioner is sufficiently rehabilitated to warrant removal from
15 the central registry of sex offenders and kidnapping offenders.

16 (4) A petition for relief from registration under this section
17 shall be made to the court in which the petitioner was convicted of
18 the offense that subjects him or her to the duty to register or, in
19 the case of convictions in other states, a foreign country, or a
20 federal or military court, to the court in the county in which the
21 juvenile is registered at the time a petition is sought. The
22 prosecuting attorney of the county shall be named and served as the
23 respondent in any such petition. The prosecuting attorney must make
24 reasonable efforts to notify the victim via the victim's choice of
25 telephone, letter, or email, if known.

26 (5) In determining whether the petitioner is sufficiently
27 rehabilitated to warrant removal from the central registry of sex
28 offenders and kidnapping offenders, the following factors are
29 provided as guidance to assist the court in making its determination,
30 to the extent the factors are applicable considering the age and
31 circumstances of the petitioner:

32 (a) The nature of the registrable offense committed including the
33 number of victims and the length of the offense history;

34 (b) Any subsequent criminal history;

35 (c) The petitioner's compliance with supervision requirements;

36 (d) The length of time since the charged incident(s) occurred;

37 (e) Any input from community corrections officers, juvenile
38 parole or probation officers, law enforcement, or treatment
39 providers;

40 (f) Participation in sex offender treatment;

1 (g) Participation in other treatment and rehabilitative programs;
2 (h) The offender's stability in employment and housing;
3 (i) The offender's community and personal support system;
4 (j) Any risk assessments or evaluations prepared by a qualified
5 professional;
6 (k) Any updated polygraph examination;
7 (l) Any input of the victim;
8 (m) Any other factors the court may consider relevant.
9 (6) If a person is relieved of the duty to register pursuant to
10 this section, the relief of registration does not constitute a
11 certificate of rehabilitation, or the equivalent of a certificate of
12 rehabilitation, for the purposes of restoration of firearm possession
13 under RCW 9.41.040.
14 (7) A juvenile prosecuted and convicted of a sex offense or
15 kidnapping offense as an adult pursuant to RCW 13.40.110 or 13.04.030
16 may not petition to the superior court under this section and must
17 follow the provisions of RCW 9A.44.142.
18 (8) An adult prosecuted for an offense committed as a juvenile
19 once the juvenile court has lost jurisdiction due to the passage of
20 time between the date of the offense and the date of filing of
21 charges may petition the superior court under the provisions of this
22 section.

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