
SENATE BILL 5543

State of Washington

68th Legislature

2023 Regular Session

By Senators Frame, C. Wilson, Lovelett, Nguyen, and Wellman

Read first time 01/24/23. Referred to Committee on Human Services.

1 AN ACT Relating to creating a developmentally appropriate
2 response to youth who commit sexual offenses; amending RCW
3 18.155.020, 9A.44.128, 9A.44.130, 9A.44.132, 9A.44.140, 13.40.162,
4 and 9A.44.145; adding a new section to chapter 13.40 RCW; adding a
5 new section to chapter 9A.44 RCW; creating a new section; prescribing
6 penalties; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that successful
9 rehabilitation of youth adjudicated of sex offenses is the best path
10 to reducing recidivism.

11 (2) The legislature finds that researchers from the Johns Hopkins
12 University and other academic institutions found that treatment for
13 minors convicted of sexual offenses would provide increased public
14 safety, while registration and notification policies for minors
15 convicted of sexual offenses failed to improve community safety. The
16 legislature finds that requiring youth to register as sex offenders
17 is associated with mental health struggles, including depression,
18 anxiety, and suicidal ideation, as well as the increased likelihood
19 of becoming a target of sexual abuse by adults.

20 (3) The legislature finds that while adults can petition for
21 relief of registration for offenses committed as minors, the legal

1 process is overly cumbersome, expensive, and challenging to the point
2 that many never request removal and remain on the registry their
3 entire lives. The legislature finds that Black, Hispanic, and
4 American Indian individuals are overly represented in the population
5 of registered juvenile sex offenders in Washington state.

6 (4) The legislature declares that the response to sex offenses
7 committed by youth should be developmentally appropriate and driven
8 by research. The legislature therefore intends to increase community
9 safety by reforming juvenile sex offender registration policy and
10 related areas to redirect the focus toward practices that increase
11 prevention and promote successful intervention strategies.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40
13 RCW to read as follows:

14 (1) Subject to the availability of amounts appropriated for this
15 specific purpose, the department shall develop and implement a grant
16 program that allows defense attorneys and counties to apply for
17 funding for sex offender evaluation and treatment programs.

18 (2) Subject to the availability of amounts appropriated for this
19 specific purpose, the department shall provide funding to counties
20 for process mapping, site assessment, and training for additional sex
21 offender treatment modalities such as multisystemic therapy-problem
22 sexual behavior or problematic sexual behavior-cognitive behavioral
23 therapy.

24 **Sec. 3.** RCW 18.155.020 and 2020 c 266 s 1 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter:

28 (1) "Advisory committee" means the sex offender treatment
29 providers advisory committee established under RCW 18.155.100.

30 (2) "Certified sex offender treatment provider" means an
31 individual who is a licensed psychologist, licensed marriage and
32 family therapist, licensed social worker, licensed mental health
33 counselor, licensed mental health counselor associate, licensed
34 independent clinical social worker associate, licensed advanced
35 social worker associate, licensed marriage and family therapist
36 associate, or psychiatrist as defined in RCW 71.05.020, who is
37 certified to examine and treat sex offenders pursuant to chapters

1 9.94A and 13.40 RCW and sexually violent predators under chapter
2 71.09 RCW.

3 (3) "Certified affiliate sex offender treatment provider" means
4 an individual who is a licensed psychologist, licensed marriage and
5 family therapist, licensed social worker, licensed mental health
6 counselor, licensed mental health counselor associate, licensed
7 independent clinical social worker associate, licensed advanced
8 social worker associate, licensed marriage and family therapist
9 associate, or psychiatrist as defined in RCW 71.05.020, who is
10 certified as an affiliate to examine and treat sex offenders pursuant
11 to chapters 9.94A and 13.40 RCW and sexually violent predators under
12 chapter 71.09 RCW under the supervision of a qualified supervisor.

13 (4) "Department" means the department of health.

14 (5) (a) "Qualified supervisor" means:

15 (i) A person who meets the requirements for certification as a
16 sex offender treatment provider;

17 (ii) A person who meets a lifetime experience threshold of having
18 provided at least two thousand hours of direct sex offender specific
19 treatment and assessment services and who continues to maintain
20 professional involvement in the field; or

21 (iii) A person who meets a lifetime experience threshold of at
22 least two years of full-time work in a state-run facility or state-
23 run treatment program providing direct sex offender specific
24 treatment and assessment services and who continues to maintain
25 professional involvement in the field.

26 (b) A qualified supervisor not credentialed by the department as
27 a sex offender treatment provider must sign and submit to the
28 department an attestation form provided by the department stating
29 under penalty of perjury that the qualified supervisor has met the
30 requisite education, training, or experience requirements and that
31 the qualified supervisor is able to substantiate the qualified
32 supervisor's claim to have met the requirements for education,
33 training, or experience.

34 (6) "Secretary" means the secretary of health.

35 (7) "Sex offender treatment provider" or "affiliate sex offender
36 treatment provider" means a person who counsels or treats sex
37 offenders accused of or convicted of a sex offense as defined by RCW
38 9.94A.030.

1 **Sec. 4.** RCW 9A.44.128 and 2015 c 261 s 2 are each amended to
2 read as follows:

3 For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200,
4 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

5 (1) "Business day" means any day other than Saturday, Sunday, or
6 a legal local, state, or federal holiday.

7 (2) "Conviction" means any adult conviction or juvenile
8 adjudication for a sex offense or kidnapping offense.

9 (3) "Disqualifying offense" means a conviction for: Any offense
10 that is a felony; a sex offense as defined in this section; a crime
11 against children or persons as defined in RCW 43.43.830(7) and
12 9.94A.411(2)(a); an offense with a domestic violence designation as
13 provided in RCW 10.99.020; permitting the commercial sexual abuse of
14 a minor as defined in RCW 9.68A.103; or any violation of chapter
15 9A.88 RCW.

16 (4) "Employed" or "carries on a vocation" means employment that
17 is full time or part time for a period of time exceeding fourteen
18 days, or for an aggregate period of time exceeding thirty days during
19 any calendar year. A person is employed or carries on a vocation
20 whether the person's employment is financially compensated,
21 volunteered, or for the purpose of government or educational benefit.

22 (5) "Fixed residence" means a building that a person lawfully and
23 habitually uses as living quarters a majority of the week. Uses as
24 living quarters means to conduct activities consistent with the
25 common understanding of residing, such as sleeping; eating; keeping
26 personal belongings; receiving mail; and paying utilities, rent, or
27 mortgage. A nonpermanent structure including, but not limited to, a
28 motor home, travel trailer, camper, or boat may qualify as a
29 residence provided it is lawfully and habitually used as living
30 quarters a majority of the week, primarily kept at one location with
31 a physical address, and the location it is kept at is either owned or
32 rented by the person or used by the person with the permission of the
33 owner or renter. A shelter program may qualify as a residence
34 provided it is a shelter program designed to provide temporary living
35 accommodations for the homeless, provides an offender with a
36 personally assigned living space, and the offender is permitted to
37 store belongings in the living space.

38 (6) "In the community" means residing outside of confinement or
39 incarceration for a disqualifying offense.

1 (7) "Institution of higher education" means any public or private
2 institution dedicated to postsecondary education, including any
3 college, university, community college, trade, or professional
4 school.

5 (8) "Kidnapping offense" means:

6 (a) The crimes of kidnapping in the first degree, kidnapping in
7 the second degree, and unlawful imprisonment, as defined in chapter
8 9A.40 RCW, where the victim is a minor and the offender is not the
9 minor's parent;

10 (b) Any offense that is, under chapter 9A.28 RCW, a criminal
11 attempt, criminal solicitation, or criminal conspiracy to commit an
12 offense that is classified as a kidnapping offense under this
13 subsection;

14 (c) Any federal or out-of-state conviction for: An offense for
15 which the person would be required to register as a kidnapping
16 offender if residing in the state of conviction; or, if not required
17 to register in the state of conviction, an offense that under the
18 laws of this state would be classified as a kidnapping offense under
19 this subsection; and

20 (d) Any tribal conviction for an offense for which the person
21 would be required to register as a kidnapping offender while residing
22 in the reservation of conviction; or, if not required to register in
23 the reservation of conviction, an offense that under the laws of this
24 state would be classified as a kidnapping offense under this
25 subsection.

26 (9) "Lacks a fixed residence" means the person does not have a
27 living situation that meets the definition of a fixed residence and
28 includes, but is not limited to, a shelter program designed to
29 provide temporary living accommodations for the homeless, an outdoor
30 sleeping location, or locations where the person does not have
31 permission to stay.

32 (10) "Sex offense" means:

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

34 (b) Any violation under RCW 9A.44.096 (sexual misconduct with a
35 minor in the second degree);

36 (c) Any violation under RCW 9A.40.100(1)(b)(ii) (trafficking);

37 (d) Any violation under RCW 9.68A.090 (communication with a minor
38 for immoral purposes);

39 (e) A violation under RCW 9A.88.070 (promoting prostitution in
40 the first degree) or RCW 9A.88.080 (promoting prostitution in the

1 second degree) if the person has a prior conviction for one of these
2 offenses;

3 (f) Any violation under RCW 9A.40.100(1)(a)(i)(A) (III) or (IV)
4 or (a)(i)(B);

5 (g) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
6 criminal attempt, criminal solicitation, or criminal conspiracy to
7 commit an offense that is classified as a sex offense under RCW
8 9.94A.030 or this subsection;

9 (h) Any out-of-state conviction for an offense for which the
10 person would be required to register as a sex offender while residing
11 in the state of conviction; or, if not required to register in the
12 state of conviction, an offense that under the laws of this state
13 would be classified as a sex offense under this subsection;

14 (i) Any federal conviction classified as a sex offense under 42
15 U.S.C. Sec. 16911 (SORNA);

16 (j) Any military conviction for a sex offense. This includes sex
17 offenses under the uniform code of military justice, as specified by
18 the United States secretary of defense;

19 (k) Any conviction in a foreign country for a sex offense if it
20 was obtained with sufficient safeguards for fundamental fairness and
21 due process for the accused under guidelines or regulations
22 established pursuant to 42 U.S.C. Sec. 16912;

23 (l) Any tribal conviction for an offense for which the person
24 would be required to register as a sex offender while residing in the
25 reservation of conviction; or, if not required to register in the
26 reservation of conviction, an offense that under the laws of this
27 state would be classified as a sex offense under this subsection.

28 (11) "School" means a public or private school regulated under
29 Title 28A RCW or chapter 72.40 RCW.

30 (12) "Student" means a person who is enrolled, on a full-time or
31 part-time basis, in any school or institution of higher education.

32 (13) "Adult" means a person who is 18 years of age or older on
33 the offense date or who is convicted of and sentenced for an offense
34 in adult court pursuant to RCW 13.04.030(1)(e)(v) or 13.40.110.

35 **Sec. 5.** RCW 9A.44.130 and 2017 c 174 s 3 are each amended to
36 read as follows:

37 (1)(a) Any adult (~~or juvenile~~) residing whether or not the
38 person has a fixed residence, or who is a student, is employed, or
39 carries on a vocation in this state who has been found to have

1 committed or has been convicted of any sex offense or kidnapping
2 offense, or who has been found not guilty by reason of insanity under
3 chapter 10.77 RCW of committing any sex offense or kidnapping
4 offense, shall register with the county sheriff for the county of the
5 person's residence, or if the person is not a resident of Washington,
6 the county of the person's school, or place of employment or
7 vocation, or as otherwise specified in this section.

8 (b) Any person who is not an adult residing whether or not the
9 person has a fixed residence, or who is a student, is employed, or
10 carries on a vocation in this state shall register with the county
11 sheriff for the county of the person's residence, or if the person is
12 not a resident of Washington, the county of the person's school, or
13 place of employment or vocation, or as otherwise specified in this
14 section if the juvenile:

15 (i) Committed a class A or class B sex offense when the person
16 was age 16 or 17 and did not receive a special sex offender
17 disposition alternative under RCW 13.40.162;

18 (ii) Committed a sex offense and, on the offense date, the
19 juvenile had a prior conviction for a sex offense as defined in RCW
20 9A.44.128 or had a deferred disposition for a sex offense pursuant to
21 RCW 13.40.127;

22 (iii) Has a special sex offender disposition alternative under
23 RCW 13.40.162 revoked for a class A or class B sex offense that was
24 committed when the person was age 16 or 17;

25 (iv) Has an out-of-state, tribal, or federal conviction; or

26 (v) Committed a kidnapping offense.

27 (c) When a person required to register under this section is in
28 custody of the state department of corrections, the state department
29 of social and health services, a local division of youth services, or
30 a local jail or juvenile detention facility as a result of a sex
31 offense or kidnapping offense, the person shall also register at the
32 time of release from custody with an official designated by the
33 agency that has jurisdiction over the person.

34 ~~((b))~~ (d) Any adult or juvenile who is required to register
35 under ~~((a))~~ (b) of this subsection must give notice to the county
36 sheriff of the county with whom the person is registered within three
37 business days:

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

1 (ii) Prior to starting work at an institution of higher
2 education; or

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

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

12 (b) A person may be required to update any of the information
13 required in this subsection in conjunction with any address
14 verification conducted by the county sheriff or as part of any notice
15 required by this section.

16 (c) A photograph or copy of an individual's fingerprints, which
17 may include palmprints may be taken at any time to update an
18 individual's file.

19 (3) Any person required to register under this section who
20 intends to travel outside the United States must provide, by
21 certified mail, with return receipt requested, or in person, signed
22 written notice of the plan to travel outside the country to the
23 county sheriff of the county with whom the person is registered at
24 least twenty-one days prior to travel. The notice shall include the
25 following information: (a) Name; (b) passport number and country; (c)
26 destination; (d) itinerary details including departure and return
27 dates; (e) means of travel; and (f) purpose of travel. If the
28 offender subsequently cancels or postpones travel outside the United
29 States, the offender must notify the county sheriff not later than
30 three days after cancellation or postponement of the intended travel
31 outside the United States or on the departure date provided in the
32 notification, whichever is earlier. The county sheriff shall notify
33 the United States marshals service as soon as practicable after
34 receipt of the notification. In cases of unexpected travel due to
35 family or work emergencies, or for offenders who travel routinely
36 across international borders for work-related purposes, the notice
37 must be submitted in person at least twenty-four hours prior to
38 travel to the sheriff of the county where such offenders are
39 registered with a written explanation of the circumstances that make
40 compliance with this subsection (3) impracticable.

1 (4) (a) Offenders shall register with the county sheriff within
2 the following deadlines:

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

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

27 When a person required to register under this section is in the
28 custody of the state department of corrections or a local corrections
29 or probations agency and has been approved for partial confinement as
30 defined in RCW 9.94A.030, the person must register at the time of
31 transfer to partial confinement with the official designated by the
32 agency that has jurisdiction over the offender. The agency shall
33 within three days forward the registration information to the county
34 sheriff for the county in which the offender is in partial
35 confinement. The offender must also register within three business
36 days from the time of the termination of partial confinement or
37 release from confinement with the county sheriff for the county of
38 the person's residence. The agency that has jurisdiction over the
39 offender shall provide notice to the offender of the duty to
40 register.

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

8 (iii) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
9 who are convicted of a sex offense and kidnapping offenders who are
10 convicted for a kidnapping offense but who are not sentenced to serve
11 a term of confinement immediately upon sentencing shall report to the
12 county sheriff to register within three business days of being
13 sentenced.

14 (iv) OFFENDERS WHO ARE NEW RESIDENTS, TEMPORARY RESIDENTS, OR
15 RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping
16 offenders who move to Washington state from another state or a
17 foreign country must register within three business days of
18 establishing residence or reestablishing residence if the person is a
19 former Washington resident. If the offender is under the jurisdiction
20 of an agency of this state when the offender moves to Washington, the
21 agency shall provide notice to the offender of the duty to register.

22 Sex offenders and kidnapping offenders who are visiting
23 Washington state and intend to reside or be present in the state for
24 ten days or more shall register his or her temporary address or where
25 he or she plans to stay with the county sheriff of each county where
26 the offender will be staying within three business days of arrival.
27 Registration for temporary residents shall include the information
28 required by subsection (2)(a) of this section, except the photograph
29 and fingerprints.

30 (v) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
31 or juvenile who has been found not guilty by reason of insanity under
32 chapter 10.77 RCW of committing a sex offense or a kidnapping offense
33 and who is in custody, as a result of that finding, of the state
34 department of social and health services, must register within three
35 business days from the time of release with the county sheriff for
36 the county of the person's residence. The state department of social
37 and health services shall provide notice to the adult or juvenile in
38 its custody of the duty to register.

39 (vi) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a
40 fixed residence and leaves the county in which he or she is

1 registered and enters and remains within a new county for twenty-four
2 hours is required to register with the county sheriff not more than
3 three business days after entering the county and provide the
4 information required in subsection (2)(a) of this section.

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

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

21 (b) The county sheriff shall not be required to determine whether
22 the person is living 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 RCW 9A.44.132, or
25 arraignment on charges for a violation of RCW 9A.44.132, constitutes
26 actual notice of the duty to register. Any person charged with the
27 crime of failure to register under RCW 9A.44.132 who asserts as a
28 defense the lack of notice of the duty to register shall register
29 within three business days following actual notice of the duty
30 through arrest, service, or arraignment. Failure to register as
31 required under this subsection (4)(c) constitutes grounds for filing
32 another charge of failing to register. Registering following arrest,
33 service, or arraignment on charges shall not relieve the offender
34 from criminal liability for failure to register prior to the filing
35 of the original charge.

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

1 (b) If any person required to register pursuant to this section
2 moves to a new county, within three business days of moving the
3 person must register with the county sheriff of the county into which
4 the person has moved and provide, by certified mail, with return
5 receipt requested or in person, signed written notice of the change
6 of address to the county sheriff with whom the person last
7 registered. The county sheriff with whom the person last registered
8 is responsible for address verification pursuant to RCW 9A.44.135
9 until the person completes registration of his or her new residence
10 address.

11 (6)(a) Any person required to register under this section who
12 lacks a fixed residence shall provide signed written notice to the
13 sheriff of the county where he or she last registered within three
14 business days after ceasing to have a fixed residence. The notice
15 shall include the information required by subsection (2)(a) of this
16 section, except the photograph, fingerprints, and palmprints. The
17 county sheriff may, for reasonable cause, require the offender to
18 provide a photograph and fingerprints. The sheriff shall forward this
19 information to the sheriff of the county in which the person intends
20 to reside, if the person intends to reside in another county.

21 (b) A person who lacks a fixed residence must report weekly, in
22 person, to the sheriff of the county where he or she is registered.
23 The weekly report shall be on a day specified by the county sheriff's
24 office, and shall occur during normal business hours. The person must
25 keep an accurate accounting of where he or she stays during the week
26 and provide it to the county sheriff upon request. The lack of a
27 fixed residence is a factor that may be considered in determining an
28 offender's risk level and shall make the offender subject to
29 disclosure of information to the public at large pursuant to RCW
30 4.24.550.

31 (c) If any person required to register pursuant to this section
32 does not have a fixed residence, it is an affirmative defense to the
33 charge of failure to register, that he or she provided written notice
34 to the sheriff of the county where he or she last registered within
35 three business days of ceasing to have a fixed residence and has
36 subsequently complied with the requirements of subsection((s))
37 (4)(a)(vi) or (vii) (~~and (6)~~) of this section and this subsection.
38 To prevail, the person must prove the defense by a preponderance of
39 the evidence.

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

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

21 **Sec. 6.** RCW 9A.44.132 and 2019 c 443 s 4 are each amended to
22 read as follows:

23 (1) A person commits the crime of failure to register as a sex
24 offender if the person has a duty to register under RCW 9A.44.130 for
25 a felony sex offense and knowingly fails to comply with any of the
26 requirements of RCW 9A.44.130.

27 (a) The failure to register as a sex offender pursuant to this
28 subsection is a class C felony if the person has a duty to register
29 under RCW 9A.44.130(1)(a) and:

30 (i) It is the person's first conviction for a felony failure to
31 register; or

32 (ii) The person has previously been convicted of a felony failure
33 to register as a sex offender in this state or pursuant to the laws
34 of another state, or pursuant to federal law.

35 (b) If a person has a duty to register under RCW 9A.44.130(1)(a)
36 and has been convicted of a felony failure to register as a sex
37 offender in this state or pursuant to the laws of another state, or
38 pursuant to federal law, on two or more prior occasions, the failure
39 to register under this subsection is a class B felony.

1 (c) The failure to register as a sex offender is a gross
2 misdemeanor if the person has a duty to register under RCW
3 9A.44.130(1)(b).

4 (2) A person is guilty of failure to register as a sex offender
5 if the person has a duty to register under RCW 9A.44.130 for a sex
6 offense other than a felony and knowingly fails to comply with any of
7 the requirements of RCW 9A.44.130. The failure to register as a sex
8 offender under this subsection is a gross misdemeanor.

9 (3) A person commits the crime of failure to register as a
10 kidnapping offender if the person has a duty to register under RCW
11 9A.44.130 for a kidnapping offense and knowingly fails to comply with
12 any of the requirements of RCW 9A.44.130.

13 (a) If the person has a duty to register for a felony kidnapping
14 offense, the failure to register as a kidnapping offender is a class
15 C felony.

16 (b) If the person has a duty to register for a kidnapping offense
17 other than a felony, the failure to register as a kidnapping offender
18 is a gross misdemeanor.

19 (4) Unless relieved of the duty to register pursuant to RCW
20 9A.44.141 and 9A.44.142, a violation of this section is an ongoing
21 offense for purposes of the statute of limitations under RCW
22 9A.04.080.

23 **Sec. 7.** RCW 9A.44.140 and 2020 c 249 s 2 are each amended to
24 read as follows:

25 The duty to register under RCW 9A.44.130 shall continue for the
26 duration provided in this section.

27 (1) For (~~a person~~) an adult convicted in this state of a class
28 A felony, or (~~a person~~) an adult convicted of any sex offense or
29 kidnapping offense who has one or more prior convictions for a sex
30 offense or kidnapping offense, the duty to register shall continue
31 indefinitely.

32 (2) For (~~a person~~) an adult convicted in this state of a class
33 B felony who does not have one or more prior convictions for a sex
34 offense or kidnapping offense, the duty to register shall end fifteen
35 years after the last date of release from confinement, if any,
36 (including full-time residential treatment) pursuant to the
37 conviction, or entry of the judgment and sentence, if the (~~person~~)
38 adult has spent fifteen consecutive years in the community without
39 being convicted of a disqualifying offense during that time period.

1 (3) For (~~a person~~) an adult convicted in this state of a class
2 C felony, a violation of RCW 9.68A.090 or 9A.44.096, or an attempt,
3 solicitation, or conspiracy to commit a class C felony, and the
4 (~~person~~) adult does not have one or more prior convictions for a
5 sex offense or kidnapping offense, the duty to register shall end ten
6 years after the last date of release from confinement, if any,
7 (including full-time residential treatment) pursuant to the
8 conviction, or entry of the judgment and sentence, if the (~~person~~)
9 adult has spent ten consecutive years in the community without being
10 convicted of a disqualifying offense during that time period.

11 (4) For a person required to register under RCW 9A.44.130(1)(b),
12 the duty to register will end two years after the last date of
13 release from confinement, including full-time residential treatment,
14 if any, or entry of disposition if: The court does not extend the
15 registration period following a motion to extend such registration
16 from the prosecuting attorney. The court may only extend the
17 registration period under this subsection if the court determines
18 based on clear and convincing evidence that the registration period
19 must be extended to ensure public safety. If the registration
20 requirement is extended under this subsection, the person may be
21 required to register for up to an additional two years. Counsel must
22 be provided at state expense for indigent individuals subject to
23 court proceedings under this subsection.

24 (5) Except as provided in RCW 9A.44.142, for a person required to
25 register for a federal, tribal, or out-of-state conviction, the duty
26 to register shall continue indefinitely.

27 (~~(5)~~) (6) For a person who is or has been determined to be a
28 sexually violent predator pursuant to chapter 71.09 RCW, the duty to
29 register shall continue for the person's lifetime.

30 (~~(6)~~) (7) Nothing in this section prevents a person from being
31 relieved of the duty to register under RCW 9A.44.142, 9A.44.143, and
32 13.40.162.

33 (~~(7)~~) (8) Nothing in RCW 9.94A.637 relating to discharge of an
34 offender shall be construed as operating to relieve the offender of
35 his or her duty to register pursuant to RCW 9A.44.130.

36 (~~(8)~~) (9) For purposes of determining whether a person has been
37 convicted of more than one sex offense, failure to register as a sex
38 offender or kidnapping offender is not a sex or kidnapping offense.

39 (~~(9)~~) (10) The provisions of this section and RCW 9A.44.141
40 through 9A.44.143 apply equally to a person who has been found not

1 guilty by reason of insanity under chapter 10.77 RCW of a sex offense
2 or kidnapping offense.

3 **Sec. 8.** RCW 13.40.162 and 2020 c 249 s 1 are each amended to
4 read as follows:

5 (1) A juvenile offender is eligible for the special sex offender
6 disposition alternative when:

7 (a) The offender is found to have committed a sex offense, other
8 than a sex offense that is also a serious violent offense as defined
9 by RCW 9.94A.030, and the offender has no history of a prior sex
10 offense; or

11 (b) The offender is found to have committed assault in the fourth
12 degree with sexual motivation, and the offender has no history of a
13 prior sex offense.

14 (2) If the court finds the offender is eligible for this
15 alternative, the court, on its own motion or the motion of the state
16 or the respondent, may order an examination to determine whether the
17 respondent is amenable to treatment.

18 (a) The report of the examination shall include at a minimum the
19 following:

20 (i) The respondent's version of the facts and the official
21 version of the facts;

22 (ii) The respondent's offense history;

23 (iii) An assessment of problems in addition to alleged deviant
24 behaviors;

25 (iv) The respondent's social, educational, and employment
26 situation;

27 (v) Other evaluation measures used.

28 The report shall set forth the sources of the evaluator's
29 information.

30 (b) The examiner shall assess and report regarding the
31 respondent's amenability to treatment and relative risk to the
32 community. A proposed treatment plan shall be provided and shall
33 include, at a minimum:

34 (i) The frequency and type of contact between the offender and
35 therapist;

36 (ii) Specific issues to be addressed in the treatment and
37 description of planned treatment modalities;

1 (iii) Monitoring plans, including any requirements regarding
2 living conditions, lifestyle requirements, and monitoring by family
3 members, legal guardians, or others;

4 (iv) Anticipated length of treatment; and

5 (v) Recommended crime-related prohibitions.

6 (c) The court on its own motion may order, or on a motion by the
7 state shall order, a second examination regarding the offender's
8 amenability to treatment. The evaluator shall be selected by the
9 party making the motion. The defendant shall pay the cost of any
10 second examination ordered unless the court finds the defendant to be
11 indigent in which case the state shall pay the cost.

12 (3) After receipt of reports of the examination, the court shall
13 then consider whether the offender and the community will benefit
14 from use of this special sex offender disposition alternative and
15 consider the victim's opinion whether the offender should receive a
16 treatment disposition under this section. If the court determines
17 that this special sex offender disposition alternative is
18 appropriate, then the court shall impose a determinate disposition
19 within the standard range for the offense, or if the court concludes,
20 and enters reasons for its conclusions, that such disposition would
21 cause a manifest injustice, the court shall impose a disposition
22 under option D, and the court may suspend the execution of the
23 disposition and place the offender on community supervision for at
24 least two years.

25 (4) As a condition of the suspended disposition, the court may
26 impose the conditions of community supervision and other conditions,
27 including up to thirty days of confinement and requirements that the
28 offender do any one or more of the following:

29 (a) Devote time to a specific education, employment, or
30 occupation;

31 (b) Undergo available outpatient sex offender treatment for up to
32 two years, or inpatient sex offender treatment not to exceed the
33 standard range of confinement for that offense. A community mental
34 health center may not be used for such treatment unless it has an
35 appropriate program designed for sex offender treatment. The
36 respondent shall not change sex offender treatment providers or
37 treatment conditions without first notifying the prosecutor, the
38 probation counselor, and the court, and shall not change providers
39 without court approval after a hearing if the prosecutor or probation
40 counselor object to the change;

1 (c) Remain within prescribed geographical boundaries and notify
2 the court or the probation counselor prior to any change in the
3 offender's address, educational program, or employment;

4 (d) Report to the prosecutor and the probation counselor prior to
5 any change in a sex offender treatment provider. This change shall
6 have prior approval by the court;

7 (e) Report as directed to the court and a probation counselor;

8 (f) Pay all court-ordered legal financial obligations, perform
9 community restitution, or any combination thereof;

10 (g) Make restitution to the victim for the cost of any counseling
11 reasonably related to the offense; or

12 (h) Comply with the conditions of any court-ordered probation
13 bond.

14 (5) If the court orders twenty-four hour, continuous monitoring
15 of the offender while on probation, the court shall include the basis
16 for this condition in its findings.

17 (6) (a) The court must order the offender not to attend the public
18 or approved private elementary, middle, or high school attended by
19 the victim or the victim's siblings.

20 (b) The parents or legal guardians of the offender are
21 responsible for transportation or other costs associated with the
22 offender's change of school that would otherwise be paid by the
23 school district.

24 (c) The court shall send notice of the disposition and
25 restriction on attending the same school as the victim or victim's
26 siblings to the public or approved private school the juvenile will
27 attend, if known, or if unknown, to the approved private schools and
28 the public school district board of directors of the district in
29 which the juvenile resides or intends to reside. This notice must be
30 sent at the earliest possible date but not later than ten calendar
31 days after entry of the disposition.

32 (7) ~~((For offenders required to register under RCW 9A.44.130, at
33 the end of the supervision ordered under this disposition
34 alternative, there is a presumption that the offender is sufficiently
35 rehabilitated to warrant removal from the central registry of sex
36 offenders. The court shall relieve the offender's duty to register
37 unless the court finds that the offender is not sufficiently
38 rehabilitated to warrant removal and may consider the following
39 factors:~~

- 1 ~~(a) The nature of the offense committed, including the number of~~
2 ~~victims and the length of the offense history;~~
3 ~~(b) Any subsequent criminal history of the juvenile;~~
4 ~~(c) The juvenile's compliance with supervision requirements;~~
5 ~~(d) The length of time since the charged incident occurred;~~
6 ~~(e) Any input from community corrections officers, juvenile~~
7 ~~parole or probation officers, law enforcement, or treatment~~
8 ~~providers;~~
9 ~~(f) The juvenile's participation in sex offender treatment;~~
10 ~~(g) The juvenile's participation in other treatment and~~
11 ~~rehabilitative programs;~~
12 ~~(h) The juvenile's stability in employment and housing;~~
13 ~~(i) The juvenile's community and personal support system;~~
14 ~~(j) Any risk assessments or evaluations prepared by a qualified~~
15 ~~professional related to the juvenile;~~
16 ~~(k) Any updated polygraph examination completed by the juvenile;~~
17 ~~(l) Any input of the victim; and~~
18 ~~(m) Any other factors the court may consider relevant.~~

19 ~~(8-))~~ (a) The sex offender treatment provider shall submit
20 quarterly reports on the respondent's progress in treatment to the
21 court and the parties. The reports shall reference the treatment plan
22 and include at a minimum the following: Dates of attendance,
23 respondent's compliance with requirements, treatment activities, the
24 respondent's relative progress in treatment, and any other material
25 specified by the court at the time of the disposition.

26 (b) At the time of the disposition, the court may set treatment
27 review hearings as the court considers appropriate.

28 (c) Except as provided in this subsection, examinations and
29 treatment ordered pursuant to this subsection shall be conducted by
30 qualified professionals as described under (d) of this subsection,
31 certified sex offender treatment providers, or certified affiliate
32 sex offender treatment providers under chapter 18.155 RCW.

33 (d) A sex offender therapist who examines or treats a juvenile
34 sex offender pursuant to this subsection does not have to be
35 certified by the department of health pursuant to chapter 18.155 RCW
36 if the therapist is a professional licensed under chapter 18.225 or
37 18.83 RCW and the treatment employed is evidence-based for sex
38 offender treatment, or if the court finds that: (i) The offender has
39 already moved to another state or plans to move to another state for
40 reasons other than circumventing the certification requirements; (ii)

1 no certified sex offender treatment providers or certified affiliate
2 sex offender treatment providers are available for treatment within a
3 reasonable geographical distance of the offender's home; and (iii)
4 the evaluation and treatment plan comply with this subsection and the
5 rules adopted by the department of health.

6 ~~((9))~~ (8)(a) If the offender violates any condition of the
7 disposition or the court finds that the respondent is failing to make
8 satisfactory progress in treatment, the court may revoke the
9 suspension and order execution of the disposition or the court may
10 impose a penalty of up to thirty days confinement for violating
11 conditions of the disposition.

12 (b) The court may order both execution of the disposition and up
13 to thirty days confinement for the violation of the conditions of the
14 disposition.

15 (c) The court shall give credit for any confinement time
16 previously served if that confinement was for the offense for which
17 the suspension is being revoked.

18 ~~((10))~~ (9) For purposes of this section, "victim" means any
19 person who has sustained emotional, psychological, physical, or
20 financial injury to person or property as a direct result of the
21 crime charged. "Victim" may also include a known parent or guardian
22 of a victim who is a minor child unless the parent or guardian is the
23 perpetrator of the offense.

24 ~~((11))~~ (10) A disposition entered under this section is not
25 appealable under RCW 13.40.230.

26 NEW SECTION. **Sec. 9.** A new section is added to chapter 9A.44
27 RCW to read as follows:

28 (1) For a person who is not an adult, any existing legal
29 obligation to register as a sex offender is extinguished on the
30 effective date of this section if the person no longer has a duty to
31 register under RCW 9A.44.130(1)(b).

32 (2) For a person who has an existing legal obligation to register
33 under RCW 9A.44.130(1)(b), the obligation shall extinguish two years
34 after the last date of release from confinement, including full-time
35 residential treatment, if any, or entry of disposition unless the
36 court extends the registration period under RCW 9A.44.140(4).

37 (3) By December 1, 2023, each registering agency shall conduct an
38 individual review and remove all persons from the sex offender
39 registry whose obligation to register is based on an offense

1 committed while the person was under 18 years of age, unless the
2 individual has a legal obligation to register under subsection (2) of
3 this section.

4 **Sec. 10.** RCW 9A.44.145 and 2010 c 267 s 8 are each amended to
5 read as follows:

6 (1) The state patrol shall notify:

7 (a) Registered sex and kidnapping offenders of any change to the
8 registration requirements, including the extinguishment of a legal
9 obligation to register under section 9 of this act; (~~and~~)

10 (b) No less than annually, an offender having a duty to register
11 under RCW 9A.44.143 for a sex offense or kidnapping offense committed
12 when the offender was a juvenile of their ability to petition for
13 relief from registration as provided in RCW 9A.44.140; and

14 (c) A school's or institution's designated recipient of records
15 under RCW 9A.44.138 regarding the extinguishment of a student's legal
16 obligation to register under section 9 of this act.

17 (2) For economic efficiency, the state patrol may combine the
18 notices in this section into one notice.

19 NEW SECTION. **Sec. 11.** Section 9 of this act takes effect
20 November 1, 2023.

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