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HOUSE BILL 2035

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State of Washington

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**By** Representatives Klippert, O'Brien, Shea, Haler, Roach, Armstrong, Pearson, McCune, Condotta, Orwall, Ross, Hurst, Smith, Kristiansen, Kretz, Orcutt, Kelley, Warnick, and Angel

Read first time 02/06/09. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to requiring registered sex and kidnapping  
2 offenders to submit information regarding any e-mail addresses and any  
3 web sites they create or operate; amending RCW 9A.44.130; reenacting  
4 and amending RCW 9A.44.130; creating a new section; providing an  
5 effective date; and providing an expiration date.

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

7 **Sec. 1.** RCW 9A.44.130 and 2006 c 129 s 2, 2006 c 128 s 2, 2006 c  
8 127 s 2, and 2006 c 126 s 2 are each reenacted and amended to read as  
9 follows:

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

1 section is in custody of the state department of corrections, the state  
2 department of social and health services, a local division of youth  
3 services, or a local jail or juvenile detention facility as a result of  
4 a sex offense or kidnapping offense, the person shall also register at  
5 the time of release from custody with an official designated by the  
6 agency that has jurisdiction over the person.

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

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

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

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

25 (iv) Whose enrollment or employment at a public or private  
26 institution of higher education is terminated shall, within ten days of  
27 such termination, notify the sheriff for the county of the person's  
28 residence of the person's termination of enrollment or employment at  
29 the institution.

30 (c) Persons required to register under this section who are  
31 enrolled in a public or private institution of higher education on June  
32 11, 1998, or a public or private school regulated under Title 28A RCW  
33 or chapter 72.40 RCW on September 1, 2006, must notify the county  
34 sheriff immediately.

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

1 (e)(i) A principal receiving notice under this subsection must  
2 disclose the information received from the sheriff under (b) of this  
3 subsection as follows:

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

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

15 (ii) Any information received by a principal or school personnel  
16 under this subsection is confidential and may not be further  
17 disseminated except as provided in RCW 28A.225.330, other statutes or  
18 case law, and the family and educational and privacy rights act of  
19 1994, 20 U.S.C. Sec. 1232g et seq.

20 (2) This section may not be construed to confer any powers pursuant  
21 to RCW 4.24.550 upon the public safety department of any public or  
22 private school or institution of higher education.

23 (3)(a) The person shall provide the following information when  
24 registering: (i) Name; (ii) complete residential address; (iii) date  
25 and place of birth; (iv) place of employment; (v) crime for which  
26 convicted; (vi) date and place of conviction; (vii) aliases used;  
27 (viii) social security number; (ix) photograph; (~~and~~) (x)  
28 fingerprints; (xi) the person's electronic mail address information or  
29 any other internet communication name or identity information  
30 including, but not limited to, instant message, chat, or social  
31 networking names or identities, if any; and (xii) the uniform resource  
32 locator of any personal web site created or operated by the person.

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

1 address information or any other internet communication name or  
2 identity information including, but not limited to, instant message,  
3 chat, or social networking names or identities, if any; and (xii) the  
4 uniform resource locator of any personal web site created or operated  
5 by the person.

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

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

32 When the agency with jurisdiction intends to release an offender  
33 with a duty to register under this section, and the agency has  
34 knowledge that the offender is eligible for developmental disability  
35 services from the department of social and health services, the agency  
36 shall notify the division of developmental disabilities of the release.  
37 Notice shall occur not more than thirty days before the offender is to  
38 be released. The agency and the division shall assist the offender in

1 meeting the initial registration requirement under this section.  
2 Failure to provide such assistance shall not constitute a defense for  
3 any violation of this section.

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

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

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

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

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

1 sentence review board, or the department of social and health services  
2 must register within twenty-four hours of moving to Washington. The  
3 agency that has jurisdiction over the offender shall notify the  
4 offender of the registration requirements before the offender moves to  
5 Washington.

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

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

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

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

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

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

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

37 (5)(a) If any person required to register pursuant to this section  
38 changes his or her residence address within the same county, the person



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

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

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

36 (b) A person who lacks a fixed residence must report weekly, in  
37 person, to the sheriff of the county where he or she is registered.  
38 The weekly report shall be on a day specified by the county sheriff's

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

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

16 (7) All offenders who are required to register pursuant to this  
17 section who have a fixed residence and who are designated as a risk  
18 level II or III must report, in person, every ninety days to the  
19 sheriff of the county where he or she is registered. Reporting shall  
20 be on a day specified by the county sheriff's office, and shall occur  
21 during normal business hours. An offender who complies with the  
22 ninety-day reporting requirement with no violations for a period of at  
23 least five years in the community may petition the superior court to be  
24 relieved of the duty to report every ninety days. The petition shall  
25 be made to the superior court in the county where the offender resides  
26 or reports under this section. The prosecuting attorney of the county  
27 shall be named and served as respondent in any such petition. The  
28 court shall relieve the petitioner of the duty to report if the  
29 petitioner shows, by a preponderance of the evidence, that the  
30 petitioner has complied with the reporting requirement for a period of  
31 at least five years and that the offender has not been convicted of a  
32 criminal violation of this section for a period of at least five years,  
33 and the court determines that the reporting no longer serves a public  
34 safety purpose. Failure to report, as specified, constitutes a  
35 violation of this section and is punishable as provided in subsection  
36 (11) of this section.

37 (8) A sex offender subject to registration requirements under this  
38 section who applies to change his or her name under RCW 4.24.130 or any

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

15 (9) The county sheriff shall obtain a photograph of the individual  
16 and shall obtain a copy of the individual's fingerprints. A photograph  
17 may be taken at any time to update an individual's file.

18 (10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,  
19 70.48.470, and 72.09.330:

20 (a) "Sex offense" means:

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

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

24 (iii) Any violation under RCW 9.68A.090 (communication with a minor  
25 for immoral purposes);

26 (iv) Any federal or out-of-state conviction for an offense that  
27 under the laws of this state would be classified as a sex offense under  
28 this subsection; and

29 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
30 criminal attempt, criminal solicitation, or criminal conspiracy to  
31 commit an offense that is classified as a sex offense under RCW  
32 9.94A.030 or this subsection.

33 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
34 the first degree, kidnapping in the second degree, and unlawful  
35 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
36 minor and the offender is not the minor's parent; (ii) any offense that  
37 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
38 or criminal conspiracy to commit an offense that is classified as a

1 kidnapping offense under this subsection (10)(b); and (iii) any federal  
2 or out-of-state conviction for an offense that under the laws of this  
3 state would be classified as a kidnapping offense under this subsection  
4 (10)(b).

5 (c) "Employed" or "carries on a vocation" means employment that is  
6 full-time or part-time for a period of time exceeding fourteen days, or  
7 for an aggregate period of time exceeding thirty days during any  
8 calendar year. A person is employed or carries on a vocation whether  
9 the person's employment is financially compensated, volunteered, or for  
10 the purpose of government or educational benefit.

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

15 (11)(a) A person who knowingly fails to comply with any of the  
16 requirements of this section is guilty of a class C felony if the crime  
17 for which the individual was convicted was a felony sex offense as  
18 defined in subsection (10)(a) of this section or a federal or out-of-  
19 state conviction for an offense that under the laws of this state would  
20 be a felony sex offense as defined in subsection (10)(a) of this  
21 section.

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

26 (12)(a) A person who knowingly fails to comply with any of the  
27 requirements of this section is guilty of a class C felony if the crime  
28 for which the individual was convicted was a felony kidnapping offense  
29 as defined in subsection (10)(b) of this section or a federal or out-  
30 of-state conviction for an offense that under the laws of this state  
31 would be a felony kidnapping offense as defined in subsection (10)(b)  
32 of this section.

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

37 (13) Except as may otherwise be provided by law, nothing in this

1 section shall impose any liability upon a peace officer, including a  
2 county sheriff, or law enforcement agency, for failing to release  
3 information authorized under this section.

4 **Sec. 2.** RCW 9A.44.130 and 2008 c 230 s 1 are each amended to read  
5 as follows:

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

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

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

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

35 (iii) Who gains employment at a public or private institution of  
36 higher education shall, within ten days of accepting employment or by

1 the first business day after commencing work at the institution,  
2 whichever is earlier, notify the sheriff for the county of the person's  
3 residence of the person's employment by the institution; or

4 (iv) Whose enrollment or employment at a public or private  
5 institution of higher education is terminated shall, within ten days of  
6 such termination, notify the sheriff for the county of the person's  
7 residence of the person's termination of enrollment or employment at  
8 the institution.

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

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

18 (e)(i) A principal receiving notice under this subsection must  
19 disclose the information received from the sheriff under (b) of this  
20 subsection as follows:

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

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

32 (ii) Any information received by a principal or school personnel  
33 under this subsection is confidential and may not be further  
34 disseminated except as provided in RCW 28A.225.330, other statutes or  
35 case law, and the family and educational and privacy rights act of  
36 1994, 20 U.S.C. Sec. 1232g et seq.

37 (2) This section may not be construed to confer any powers pursuant

1 to RCW 4.24.550 upon the public safety department of any public or  
2 private school or institution of higher education.

3 (3)(a) The person shall provide the following information when  
4 registering: (i) Name; (ii) complete residential address; (iii) date  
5 and place of birth; (iv) place of employment; (v) crime for which  
6 convicted; (vi) date and place of conviction; (vii) aliases used;  
7 (viii) social security number; (ix) photograph; (~~and~~) (x)  
8 fingerprints; (xi) the person's electronic mail address information or  
9 any other internet communication name or identity information  
10 including, but not limited to, instant message, chat, or social  
11 networking names or identities, if any; and (xii) the uniform resource  
12 locator of any personal web site created or operated by the person.

13 (b) Any person who lacks a fixed residence shall provide the  
14 following information when registering: (i) Name; (ii) date and place  
15 of birth; (iii) place of employment; (iv) crime for which convicted;  
16 (v) date and place of conviction; (vi) aliases used; (vii) social  
17 security number; (viii) photograph; (ix) fingerprints; (~~and~~) (x)  
18 where he or she plans to stay; (xi) the person's electronic mail  
19 address information or any other internet communication name or  
20 identity information including, but not limited to, instant message,  
21 chat, or social networking names or identities, if any; and (xii) the  
22 uniform resource locator of any personal web site created or operated  
23 by the person.

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

28 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
29 offense on, before, or after February 28, 1990, and who, on or after  
30 July 28, 1991, are in custody, as a result of that offense, of the  
31 state department of corrections, the state department of social and  
32 health services, a local division of youth services, or a local jail or  
33 juvenile detention facility, and (B) kidnapping offenders who on or  
34 after July 27, 1997, are in custody of the state department of  
35 corrections, the state department of social and health services, a  
36 local division of youth services, or a local jail or juvenile detention  
37 facility, must register at the time of release from custody with an  
38 official designated by the agency that has jurisdiction over the

1 offender. The agency shall within three days forward the registration  
2 information to the county sheriff for the county of the offender's  
3 anticipated residence. The offender must also register within twenty-  
4 four hours from the time of release with the county sheriff for the  
5 county of the person's residence, or if the person is not a resident of  
6 Washington, the county of the person's school, or place of employment  
7 or vocation. The agency that has jurisdiction over the offender shall  
8 provide notice to the offender of the duty to register. Failure to  
9 register at the time of release and within twenty-four hours of release  
10 constitutes a violation of this section and is punishable as provided  
11 in subsection (11) of this section.

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

22 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
23 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody  
24 but are under the jurisdiction of the indeterminate sentence review  
25 board or under the department of corrections' active supervision, as  
26 defined by the department of corrections, the state department of  
27 social and health services, or a local division of youth services, for  
28 sex offenses committed before, on, or after February 28, 1990, must  
29 register within ten days of July 28, 1991. Kidnapping offenders who,  
30 on July 27, 1997, are not in custody but are under the jurisdiction of  
31 the indeterminate sentence review board or under the department of  
32 corrections' active supervision, as defined by the department of  
33 corrections, the state department of social and health services, or a  
34 local division of youth services, for kidnapping offenses committed  
35 before, on, or after July 27, 1997, must register within ten days of  
36 July 27, 1997. A change in supervision status of a sex offender who  
37 was required to register under this subsection (4)(a)(ii) as of July  
38 28, 1991, or a kidnapping offender required to register as of July 27,



1 1997, shall not relieve the offender of the duty to register or to  
2 reregister following a change in residence. The obligation to register  
3 shall only cease pursuant to RCW 9A.44.140.

4 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
5 or after July 23, 1995, and kidnapping offenders who, on or after July  
6 27, 1997, as a result of that offense are in the custody of the United  
7 States bureau of prisons or other federal or military correctional  
8 agency for sex offenses committed before, on, or after February 28,  
9 1990, or kidnapping offenses committed on, before, or after July 27,  
10 1997, must register within twenty-four hours from the time of release  
11 with the county sheriff for the county of the person's residence, or if  
12 the person is not a resident of Washington, the county of the person's  
13 school, or place of employment or vocation. Sex offenders who, on July  
14 23, 1995, are not in custody but are under the jurisdiction of the  
15 United States bureau of prisons, United States courts, United States  
16 parole commission, or military parole board for sex offenses committed  
17 before, on, or after February 28, 1990, must register within ten days  
18 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not  
19 in custody but are under the jurisdiction of the United States bureau  
20 of prisons, United States courts, United States parole commission, or  
21 military parole board for kidnapping offenses committed before, on, or  
22 after July 27, 1997, must register within ten days of July 27, 1997.  
23 A change in supervision status of a sex offender who was required to  
24 register under this subsection (4)(a)(iii) as of July 23, 1995, or a  
25 kidnapping offender required to register as of July 27, 1997 shall not  
26 relieve the offender of the duty to register or to reregister following  
27 a change in residence, or if the person is not a resident of  
28 Washington, the county of the person's school, or place of employment  
29 or vocation. The obligation to register shall only cease pursuant to  
30 RCW 9A.44.140.

31 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
32 who are convicted of a sex offense on or after July 28, 1991, for a sex  
33 offense that was committed on or after February 28, 1990, and  
34 kidnapping offenders who are convicted on or after July 27, 1997, for  
35 a kidnapping offense that was committed on or after July 27, 1997, but  
36 who are not sentenced to serve a term of confinement immediately upon  
37 sentencing, shall report to the county sheriff to register immediately  
38 upon completion of being sentenced.

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

24 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
25 or juvenile who has been found not guilty by reason of insanity under  
26 chapter 10.77 RCW of (A) committing a sex offense on, before, or after  
27 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
28 as a result of that finding, of the state department of social and  
29 health services, or (B) committing a kidnapping offense on, before, or  
30 after July 27, 1997, and who on or after July 27, 1997, is in custody,  
31 as a result of that finding, of the state department of social and  
32 health services, must register within twenty-four hours from the time  
33 of release with the county sheriff for the county of the person's  
34 residence. The state department of social and health services shall  
35 provide notice to the adult or juvenile in its custody of the duty to  
36 register. Any adult or juvenile who has been found not guilty by  
37 reason of insanity of committing a sex offense on, before, or after  
38 February 28, 1990, but who was released before July 23, 1995, or any

1 adult or juvenile who has been found not guilty by reason of insanity  
2 of committing a kidnapping offense but who was released before July 27,  
3 1997, shall be required to register within twenty-four hours of  
4 receiving notice of this registration requirement. The state  
5 department of social and health services shall make reasonable attempts  
6 within available resources to notify sex offenders who were released  
7 before July 23, 1995, and kidnapping offenders who were released before  
8 July 27, 1997. Failure to register within twenty-four hours of  
9 release, or of receiving notice, constitutes a violation of this  
10 section and is punishable as provided in subsection (11) of this  
11 section.

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

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

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

33 (b) Failure to register within the time required under this section  
34 constitutes a per se violation of this section and is punishable as  
35 provided in subsection (11) of this section. The county sheriff shall  
36 not be required to determine whether the person is living within the  
37 county.

1 (c) An arrest on charges of failure to register, service of an  
2 information, or a complaint for a violation of this section, or  
3 arraignment on charges for a violation of this section, constitutes  
4 actual notice of the duty to register. Any person charged with the  
5 crime of failure to register under this section who asserts as a  
6 defense the lack of notice of the duty to register shall register  
7 immediately following actual notice of the duty through arrest,  
8 service, or arraignment. Failure to register as required under this  
9 subsection (4)(c) constitutes grounds for filing another charge of  
10 failing to register. Registering following arrest, service, or  
11 arraignment on charges shall not relieve the offender from criminal  
12 liability for failure to register prior to the filing of the original  
13 charge.

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

17 (5)(a) If any person required to register pursuant to this section  
18 changes his or her residence address within the same county, the person  
19 must send signed written notice of the change of address to the county  
20 sheriff within seventy-two hours of moving. If any person required to  
21 register pursuant to this section moves to a new county, the person  
22 must send signed written notice of the change of address at least  
23 fourteen days before moving to the county sheriff in the new county of  
24 residence and must register with that county sheriff within twenty-four  
25 hours of moving. The person must also send signed written notice  
26 within ten days of the change of address in the new county to the  
27 county sheriff with whom the person last registered. The county  
28 sheriff with whom the person last registered shall promptly forward the  
29 information concerning the change of address to the county sheriff for  
30 the county of the person's new residence. Upon receipt of notice of  
31 change of address to a new state, the county sheriff shall promptly  
32 forward the information regarding the change of address to the agency  
33 designated by the new state as the state's offender registration  
34 agency.

35 (b) It is an affirmative defense to a charge that the person failed  
36 to send a notice at least fourteen days in advance of moving as  
37 required under (a) of this subsection that the person did not know the  
38 location of his or her new residence at least fourteen days before

1 moving. The defendant must establish the defense by a preponderance of  
2 the evidence and, to prevail on the defense, must also prove by a  
3 preponderance that the defendant sent the required notice within  
4 twenty-four hours of determining the new address.

5 (6)(a) Any person required to register under this section who lacks  
6 a fixed residence shall provide signed written notice to the sheriff of  
7 the county where he or she last registered within forty-eight hours  
8 excluding weekends and holidays after ceasing to have a fixed  
9 residence. The notice shall include the information required by  
10 subsection (3)(b) of this section, except the photograph and  
11 fingerprints. The county sheriff may, for reasonable cause, require  
12 the offender to provide a photograph and fingerprints. The sheriff  
13 shall forward this information to the sheriff of the county in which  
14 the person intends to reside, if the person intends to reside in  
15 another county.

16 (b) A person who lacks a fixed residence must report weekly, in  
17 person, to the sheriff of the county where he or she is registered.  
18 The weekly report shall be on a day specified by the county sheriff's  
19 office, and shall occur during normal business hours. The county  
20 sheriff's office may require the person to list the locations where the  
21 person has stayed during the last seven days. The lack of a fixed  
22 residence is a factor that may be considered in determining an  
23 offender's risk level and shall make the offender subject to disclosure  
24 of information to the public at large pursuant to RCW 4.24.550.

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

34 (7) All offenders who are required to register pursuant to this  
35 section who have a fixed residence and who are designated as a risk  
36 level II or III must report, in person, every ninety days to the  
37 sheriff of the county where he or she is registered. Reporting shall  
38 be on a day specified by the county sheriff's office, and shall occur

1 during normal business hours. An offender who complies with the  
2 ninety-day reporting requirement with no violations for a period of at  
3 least five years in the community may petition the superior court to be  
4 relieved of the duty to report every ninety days. The petition shall  
5 be made to the superior court in the county where the offender resides  
6 or reports under this section. The prosecuting attorney of the county  
7 shall be named and served as respondent in any such petition. The  
8 court shall relieve the petitioner of the duty to report if the  
9 petitioner shows, by a preponderance of the evidence, that the  
10 petitioner has complied with the reporting requirement for a period of  
11 at least five years and that the offender has not been convicted of a  
12 criminal violation of this section for a period of at least five years,  
13 and the court determines that the reporting no longer serves a public  
14 safety purpose. Failure to report, as specified, constitutes a  
15 violation of this section and is punishable as provided in subsection  
16 (11) of this section.

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

33 (9) The county sheriff shall obtain a photograph of the individual  
34 and shall obtain a copy of the individual's fingerprints. A photograph  
35 may be taken at any time to update an individual's file.

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

38 (a) "Sex offense" means:

1 (i) Any offense defined as a sex offense by RCW 9.94A.030;  
2 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a  
3 minor in the second degree);  
4 (iii) Any violation under RCW 9.68A.090 (communication with a minor  
5 for immoral purposes);  
6 (iv) Any federal or out-of-state conviction for an offense that  
7 under the laws of this state would be classified as a sex offense under  
8 this subsection; and  
9 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
10 criminal attempt, criminal solicitation, or criminal conspiracy to  
11 commit an offense that is classified as a sex offense under RCW  
12 9.94A.030 or this subsection.

13 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
14 the first degree, kidnapping in the second degree, and unlawful  
15 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
16 minor and the offender is not the minor's parent; (ii) any offense that  
17 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
18 or criminal conspiracy to commit an offense that is classified as a  
19 kidnapping offense under this subsection (10)(b); and (iii) any federal  
20 or out-of-state conviction for an offense that under the laws of this  
21 state would be classified as a kidnapping offense under this subsection  
22 (10)(b).

23 (c) "Employed" or "carries on a vocation" means employment that is  
24 full-time or part-time for a period of time exceeding fourteen days, or  
25 for an aggregate period of time exceeding thirty days during any  
26 calendar year. A person is employed or carries on a vocation whether  
27 the person's employment is financially compensated, volunteered, or for  
28 the purpose of government or educational benefit.

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

33 (11)(a) A person who knowingly fails to comply with any of the  
34 requirements of this section is guilty of a class B felony if the crime  
35 for which the individual was convicted was a felony sex offense as  
36 defined in subsection (10)(a) of this section or a federal or out-of-  
37 state conviction for an offense that under the laws of this state would

1 be a felony sex offense as defined in subsection (10)(a) of this  
2 section.

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

7 (12)(a) A person who knowingly fails to comply with any of the  
8 requirements of this section is guilty of a class C felony if the crime  
9 for which the individual was convicted was a felony kidnapping offense  
10 as defined in subsection (10)(b) of this section or a federal or out-  
11 of-state conviction for an offense that under the laws of this state  
12 would be a felony kidnapping offense as defined in subsection (10)(b)  
13 of this section.

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

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

22 NEW SECTION. **Sec. 3.** If specific funding for the purposes of this  
23 act, referencing this act by bill or chapter number, is not provided by  
24 June 30, 2009, in the omnibus appropriations act, this act is null and  
25 void.

26 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect ninety  
27 days after adjournment sine die of the 2010 legislative session.

28 NEW SECTION. **Sec. 5.** Section 1 of this act expires ninety days  
29 after adjournment sine die of the 2010 legislative session.

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