

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2340**

Chapter 84, Laws of 1994

53rd Legislature  
1994 Regular Session

SEX OFFENDER REGISTRATION--CLARIFICATION

EFFECTIVE DATE: 6/9/94

Passed by the House February 8, 1994  
Yeas 94 Nays 0

BRIAN EBERSOLE  
**Speaker of the  
House of Representatives**

Passed by the Senate February 28, 1994  
Yeas 43 Nays 0

JOEL PRITCHARD  
**President of the Senate**

Approved March 23, 1994

MIKE LOWRY  
**Governor of the State of Washington**

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2340** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER  
**Chief Clerk**

FILED

March 23, 1994 - 9:45 a.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 2340

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Passed Legislature - 1994 Regular Session

State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Long, Appelwick, Johanson, Padden, Karahalios, Brough, Talcott, Sheahan, Wood, Forner, Dyer, Chandler, Shin, Mielke and Springer

Read first time 01/14/94. Referred to Committee on Corrections.

1            AN ACT Relating to sex offender registration; amending RCW  
2 9A.44.130; and creating a new section.

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

4            NEW SECTION.    **Sec. 1.** This act is intended to clarify existing law  
5 and is not intended to reflect a substantive change in the law.

6            **Sec. 2.** RCW 9A.44.130 and 1991 c 274 s 2 are each amended to read  
7 as follows:

8            (1) Any adult or juvenile residing in this state who has been found  
9 to have committed or has been convicted of any sex offense shall  
10 register with the county sheriff for the county of the person's  
11 residence.

12            (2) The person shall provide the county sheriff with the following  
13 information when registering: (a) Name; (b) address; (c) date and  
14 place of birth; (d) place of employment; (e) crime for which convicted;  
15 (f) date and place of conviction; (g) aliases used; and (h) social  
16 security number.

1 (3)(a) Sex offenders shall register within the following deadlines.  
2 For purposes of this section the term "conviction" refers to adult  
3 convictions and juvenile adjudications for sex offenses:

4 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex  
5 offense on, before, or after February 28, 1990, and who, on or after  
6 July 28, 1991, are in custody, as a result of that offense, of the  
7 state department of corrections, the state department of social and  
8 health services, a local division of youth services, or a local jail or  
9 juvenile detention facility, must register within twenty-four hours  
10 from the time of release with the county sheriff for the county of the  
11 person's residence. The agency that has jurisdiction over the offender  
12 shall provide notice to the sex offender of the duty to register.  
13 Failure to register within twenty-four hours of release constitutes a  
14 violation of this section and is punishable as provided in subsection  
15 (7) of this section.

16 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
17 JURISDICTION. Sex offenders, who, on July 28, 1991, are not in custody  
18 but are under the jurisdiction of the indeterminate sentence review  
19 board or under the department of correction's active supervision ((of  
20 the state)), as defined by the department of corrections, the state  
21 department of social and health services, or a local division of youth  
22 services, for sex offenses committed before, on, or after February 28,  
23 1990, must register within ten days of July 28, 1991. A change in  
24 supervision status of a sex offender who was required to register under  
25 this subsection (3)(a)(ii) as of July 28, 1991, shall not relieve the  
26 offender of the duty to register or to reregister following a change in  
27 residence. The obligation to register shall only cease pursuant to RCW  
28 9A.44.140.

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

35 (iv) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
36 RESIDENTS. Sex offenders who move to Washington state from another  
37 state that are not under the jurisdiction of the state department of  
38 corrections, the indeterminate sentence review board, or the state  
39 department of social and health services at the time of moving to

1 Washington, must register within thirty days of establishing residence  
2 or reestablishing residence if the person is a former Washington  
3 resident. The duty to register under this subsection applies to sex  
4 offenders convicted under the laws of another state, federal statutes,  
5 or Washington state for offenses committed on or after February 28,  
6 1990. Sex offenders from other states who, when they move to  
7 Washington, are under the jurisdiction of the department of  
8 corrections, the indeterminate sentence review board, or the department  
9 of social and health services must register within twenty-four hours of  
10 moving to Washington. The agency that has jurisdiction over the  
11 offender shall notify the offender of the registration requirements  
12 before the offender moves to Washington.

13 (b) Failure to register within the time required under this section  
14 constitutes a per se violation of this section and is punishable as  
15 provided in subsection (7) of this section. The county sheriff shall  
16 not be required to determine whether the person is living within the  
17 county.

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

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

33 (4) If any person required to register pursuant to this section  
34 changes his or her residence address within the same county, the person  
35 must send written notice of the change of address to the county sheriff  
36 within ten days of establishing the new residence. If any person  
37 required to register pursuant to this section moves to a new county,  
38 the person must register with the county sheriff in the new county  
39 within ten days of establishing the new residence. The person must

1 also send written notice within ten days of the change of address in  
2 the new county to the county sheriff with whom the person last  
3 registered.

4 (5) The county sheriff shall obtain a photograph of the individual  
5 and shall obtain a copy of the individual's fingerprints.

6 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,  
7 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex  
8 offense by RCW 9.94A.030.

9 (7) A person who knowingly fails to register as required by this  
10 section is guilty of a class C felony if the crime for which the  
11 individual was convicted was a class A felony or a federal or out-of-  
12 state conviction for an offense that under the laws of this state would  
13 be a class A felony. If the crime was other than a class A felony or  
14 a federal or out-of-state conviction for an offense that under the laws  
15 of this state would be a class A felony, violation of this section is  
16 a gross misdemeanor.

Passed the House February 8, 1994.

Passed the Senate February 28, 1994.

Approved by the Governor March 23, 1994.

Filed in Office of Secretary of State March 23, 1994.