
SUBSTITUTE HOUSE BILL 1606

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Conway, Ballasiotes, Quall, Dickerson, Hatfield, Kremen, Costa and Kessler)

Read first time 02/28/95.

1 AN ACT Relating to registration of sex offenders; amending RCW
2 9A.44.130 and 9A.44.140; adding a new section to chapter 9A.44 RCW; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 9A.44.130 and 1994 c 84 s 2 are each amended to read
6 as follows:

7 (1) Any adult or juvenile residing in this state who has been found
8 to have committed or has been convicted of any sex offense, or who has
9 been found not guilty by reason of insanity under chapter 10.77 RCW of
10 committing any sex offense, shall register with the county sheriff for
11 the county of the person's 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.

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

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

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

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

32 (iv) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
33 RESIDENTS. Sex offenders who move to Washington state from another
34 state that are not under the jurisdiction of the state department of
35 corrections, the indeterminate sentence review board, or the state
36 department of social and health services at the time of moving to
37 Washington, must register within thirty days of establishing residence
38 or reestablishing residence if the person is a former Washington
39 resident. The duty to register under this subsection applies to sex

1 offenders convicted under the laws of another state, federal statutes,
2 or Washington state for offenses committed on or after February 28,
3 1990. Sex offenders from other states who, when they move to
4 Washington, are under the jurisdiction of the department of
5 corrections, the indeterminate sentence review board, or the department
6 of social and health services must register within twenty-four hours of
7 moving to Washington. The agency that has jurisdiction over the
8 offender shall notify the offender of the registration requirements
9 before the offender moves to Washington.

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

29 (b) Failure to register within the time required under this section
30 constitutes a per se violation of this section and is punishable as
31 provided in subsection (7) of this section. The county sheriff shall
32 not be required to determine whether the person is living within the
33 county.

34 (c) An arrest on charges of failure to register, service of an
35 information, or a complaint for a violation of this section, or
36 arraignment on charges for a violation of this section, constitutes
37 actual notice of the duty to register. Any person charged with the
38 crime of failure to register under this section who asserts as a
39 defense the lack of notice of the duty to register shall register

1 immediately following actual notice of the duty through arrest,
2 service, or arraignment. Failure to register as required under this
3 subsection (c) constitutes grounds for filing another charge of failing
4 to register. Registering following arrest, service, or arraignment on
5 charges shall not relieve the offender from criminal liability for
6 failure to register prior to the filing of the original charge.

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

10 (4) If any person required to register pursuant to this section
11 changes his or her residence address within the same county, the person
12 must send written notice of the change of address to the county sheriff
13 within ten days of (~~establishing the new residence~~) moving. If any
14 person required to register pursuant to this section moves to a new
15 county, the person must register with the county sheriff in the new
16 county within ten days of (~~establishing the new residence~~) moving.
17 The person must also send written notice within ten days of the change
18 of address in the new county to the county sheriff with whom the person
19 last registered.

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

22 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,
23 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex
24 offense by RCW 9.94A.030.

25 (7) A person who knowingly fails to register or who moves without
26 notifying the county sheriff as required by this section is guilty of
27 a class C felony (~~if the crime for which the individual was convicted~~
28 ~~was a class A felony or a federal or out-of-state conviction for an~~
29 ~~offense that under the laws of this state would be a class A felony.~~
30 ~~If the crime was other than a class A felony or a federal or out-of-~~
31 ~~state conviction for an offense that under the laws of this state would~~
32 ~~be a class A felony, violation of this section is a gross~~
33 ~~misdemeanor~~)).

34 NEW SECTION. Sec. 2. A new section is added to chapter 9A.44 RCW
35 to read as follows:

36 When a sex offender registers with the county sheriff pursuant to
37 RCW 9A.44.130, the county sheriff shall make reasonable attempts to
38 verify that the sex offender is residing at the registered address.

1 Reasonable attempts at verifying an address shall include at a minimum
2 sending certified mail, with return receipt requested, to the sex
3 offender at the registered address, and if the return receipt is not
4 signed by the sex offender, talking in person with the residents living
5 at the address. The sheriff shall make reasonable attempts to locate
6 any sex offender who cannot be located at the registered address.

7 **Sec. 3.** RCW 9A.44.140 and 1991 c 274 s 3 are each amended to read
8 as follows:

9 (1) The duty to register under RCW 9A.44.130 shall end:

10 (a) For a person convicted of a class A felony: Such person may
11 only be relieved of the duty to register under subsection (2) or (3) of
12 this section.

13 (b) For a person convicted of a class B felony: Fifteen years
14 after the last date of release from confinement, if any, (including
15 full-time residential treatment) pursuant to the conviction, or entry
16 of the judgment and sentence, if the person has spent fifteen
17 consecutive years in the community without being convicted of any new
18 offenses.

19 (c) For a person convicted of a class C felony: Ten years after
20 the last date of release from confinement, if any, (including full-time
21 residential treatment) pursuant to the conviction, or entry of the
22 judgment and sentence, if the person has spent ten consecutive years in
23 the community without being convicted of any new offenses.

24 (d) The provisions of this subsection (1) shall apply equally to a
25 person who has been found not guilty by reason of insanity under
26 chapter 10.77 RCW of a sex offense.

27 (2) Any person having a duty to register under RCW 9A.44.130 may
28 petition the superior court to be relieved of that duty. The petition
29 shall be made to the court in which the petitioner was convicted of the
30 offense that subjects him or her to the duty to register, or, in the
31 case of convictions in other states, to the court in Thurston county.
32 The prosecuting attorney of the county shall be named and served as the
33 respondent in any such petition. The court shall consider the nature
34 of the registrable offense committed, and the criminal and relevant
35 noncriminal behavior of the petitioner both before and after
36 conviction, and may consider other factors. Except as provided in
37 subsection (3) of this section, the court may relieve the petitioner of
38 the duty to register only if the petitioner shows, with clear and

1 convincing evidence, that future registration of the petitioner will
2 not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540,
3 46.20.187, 70.48.470, and 72.09.330.

4 (3) An offender having a duty to register under RCW 9A.44.130 for
5 a sex offense committed when the offender was a juvenile may petition
6 the superior court to be relieved of that duty. The court shall
7 consider the nature of the registrable offense committed, and the
8 criminal and relevant noncriminal behavior of the petitioner both
9 before and after adjudication, and may consider other factors. The
10 court may relieve the petitioner of the duty to register for a sex
11 offense that was committed while the petitioner was fifteen years of
12 age or older only if the petitioner shows, with clear and convincing
13 evidence, that future registration of the petitioner will not serve the
14 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,
15 and 72.09.330. The court may relieve the petitioner of the duty to
16 register for a sex offense that was committed while the petitioner was
17 under the age of fifteen if the petitioner (a) has not been adjudicated
18 of any additional sex offenses during the twenty-four months following
19 the adjudication for the sex offense giving rise to the duty to
20 register, and (b) the petitioner proves by a preponderance of the
21 evidence that future registration of the petitioner will not serve the
22 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,
23 and 72.09.330.

24 (4) Unless relieved of the duty to register pursuant to this
25 section, a violation of RCW 9A.44.130 is an ongoing offense for
26 purposes of the statute of limitations under RCW 9A.04.080.

27 (5) Nothing in RCW 9.94A.220 relating to discharge of an offender
28 shall be construed as operating to relieve the offender of his or her
29 duty to register pursuant to RCW 9A.44.130.

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