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ENGROSSED HOUSE BILL 2507

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By Representatives D. Sommers, Koster, Robertson, Sterk, Honeyford, Hargrove, McMahan, Goldsmith, Stevens, Mulliken and Johnson

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1 AN ACT Relating to sex offender registration; and reenacting and  
2 amending RCW 9A.44.130 and 9A.44.140.

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

4 **Sec. 1.** RCW 9A.44.130 and 1995 c 268 s 3, 1995 c 248 s 1, and 1995  
5 c 195 s 1 are each reenacted and amended to read as follows:

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

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

16 (3)(a) Sex offenders shall register within the following deadlines.  
17 For purposes of this section the term "conviction" refers to adult  
18 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 UNDER FEDERAL JURISDICTION. Sex offenders who,  
27 on or after July 23, 1995, as a result of that offense are in the  
28 custody of the United States bureau of prisons or other federal or  
29 military correctional agency for sex offenses committed before, on, or  
30 after February 28, 1990, must register within twenty-four hours from  
31 the time of release with the county sheriff for the county of the  
32 person's residence. Sex offenders who, on July 23, 1995, are not in  
33 custody but are under the jurisdiction of the United States bureau of  
34 prisons, United States courts, United States parole commission, or  
35 military parole board for sex offenses committed before, on, or after  
36 February 28, 1990, must register within ten days of July 23, 1995. A  
37 change in supervision status of a sex offender who was required to  
38 register under this subsection (3)(a)(iii) as of July 23, 1995, shall  
39 not relieve the offender of the duty to register or to reregister

1 following a change in residence. The obligation to register shall only  
2 cease pursuant to RCW 9A.44.140.

3 (iv) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex  
4 offenders who are convicted of a sex offense on or after July 28, 1991,  
5 for a sex offense that was committed on or after February 28, 1990, but  
6 who are not sentenced to serve a term of confinement immediately upon  
7 sentencing, shall report to the county sheriff to register immediately  
8 upon completion of being sentenced.

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

27 (vi) SEX OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any  
28 adult or juvenile who has been found not guilty by reason of insanity  
29 under chapter 10.77 RCW of committing a sex offense on, before, or  
30 after February 28, 1990, and who, on or after July 23, 1995, is in  
31 custody, as a result of that finding, of the state department of social  
32 and health services, must register within twenty-four hours from the  
33 time 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 prior to July 23, 1995, shall  
39 be required to register within twenty-four hours of receiving notice of

1 this registration requirement. The state department of social and  
2 health services shall make reasonable attempts within available  
3 resources to notify offenders who were released prior to July 23, 1995.  
4 Failure to register within twenty-four hours of release, or of  
5 receiving notice, constitutes a violation of this section and is  
6 punishable as provided in subsection (7) of this section.

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

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

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

27 (4) If any person required to register pursuant to this section  
28 changes his or her residence address within the same county, the person  
29 must send written notice of the change of address to the county sheriff  
30 within ten days of moving. If any person required to register pursuant  
31 to this section moves to a new county, the person must register with  
32 the county sheriff in the new county within ten days of moving. The  
33 person must also send written notice within ten days of the change of  
34 address in the new county to the county sheriff with whom the person  
35 last registered. If any person required to register pursuant to this  
36 section moves out of Washington state, the person must also send  
37 written notice within ten days of moving to the new state or a foreign  
38 country to the county sheriff with whom the person last registered in  
39 Washington state.

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

3 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,  
4 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex  
5 offense by RCW 9.94A.030 and any violation of RCW 9.68A.090 or  
6 9A.44.096 as well as any gross misdemeanor that is, under chapter 9A.28  
7 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy  
8 to commit an offense that is classified as a sex offense under RCW  
9 9.94A.030.

10 (7) A person who knowingly fails to register or who moves without  
11 notifying the county sheriff as required by this section is guilty of  
12 a class C felony (~~((if the crime for which the individual was convicted~~  
13 ~~was a class A felony or a federal or out-of-state conviction for an~~  
14 ~~offense that under the laws of this state would be a class A felony.~~  
15 ~~If the crime was other than a class A felony or a federal or out-of-~~  
16 ~~state conviction for an offense that under the laws of this state would~~  
17 ~~be a class A felony, violation of this section is a gross~~  
18 ~~misdemeanor))).~~

19 **Sec. 2.** RCW 9A.44.140 and 1995 c 268 s 4, 1995 c 248 s 2, and 1995  
20 c 195 s 2 are each reenacted and amended to read as follows:

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

22 (a) For a person convicted of a class A felony: Such person may  
23 only be relieved of the duty to register under subsection (3) or (4) of  
24 this section.

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

31 (c) For a person convicted of a class C felony (~~(or any)~~), a  
32 violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation,  
33 or conspiracy to commit a class C felony: Ten years after the last  
34 date of release from confinement, if any, (including full-time  
35 residential treatment) pursuant to the conviction, or entry of the  
36 judgment and sentence, if the person has spent ten consecutive years in  
37 the community without being convicted of any new offenses.

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

4 (3) Any person having a duty to register under RCW 9A.44.130 may  
5 petition the superior court to be relieved of that duty. The petition  
6 shall be made to the court in which the petitioner was convicted of the  
7 offense that subjects him or her to the duty to register, or, in the  
8 case of convictions in other states, a foreign country, or a federal or  
9 military court, to the court in Thurston county. The prosecuting  
10 attorney of the county shall be named and served as the respondent in  
11 any such petition. The court shall consider the nature of the  
12 registrable offense committed, and the criminal and relevant  
13 noncriminal behavior of the petitioner both before and after  
14 conviction, and may consider other factors. Except as provided in  
15 subsection (4) of this section, the court may relieve the petitioner of  
16 the duty to register only if the petitioner shows, with clear and  
17 convincing evidence, that future registration of the petitioner will  
18 not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540,  
19 46.20.187, 70.48.470, and 72.09.330.

20 (4) An offender having a duty to register under RCW 9A.44.130 for  
21 a sex offense committed when the offender was a juvenile may petition  
22 the superior court to be relieved of that duty. The court shall  
23 consider the nature of the registrable offense committed, and the  
24 criminal and relevant noncriminal behavior of the petitioner both  
25 before and after adjudication, and may consider other factors. The  
26 court may relieve the petitioner of the duty to register for a sex  
27 offense that was committed while the petitioner was fifteen years of  
28 age or older only if the petitioner shows, with clear and convincing  
29 evidence, that future registration of the petitioner will not serve the  
30 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,  
31 and 72.09.330. The court may relieve the petitioner of the duty to  
32 register for a sex offense that was committed while the petitioner was  
33 under the age of fifteen if the petitioner (a) has not been adjudicated  
34 of any additional sex offenses during the twenty-four months following  
35 the adjudication for the sex offense giving rise to the duty to  
36 register, and (b) the petitioner proves by a preponderance of the  
37 evidence that future registration of the petitioner will not serve the  
38 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,  
39 and 72.09.330.

1 (5) Unless relieved of the duty to register pursuant to this  
2 section, a violation of RCW 9A.44.130 is an ongoing offense for  
3 purposes of the statute of limitations under RCW 9A.04.080.

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

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