
SENATE BILL 5239

State of Washington

54th Legislature

1995 Regular Session

By Senators Oke and Owen

Read first time 01/16/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to registration of sex offenders; and amending RCW
2 9A.44.130.

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

4 **Sec. 1.** RCW 9A.44.130 and 1994 c 84 s 2 are each amended to read
5 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 shall
8 register with the county sheriff for the county of the person's
9 residence.

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

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

18 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex
19 offense on, before, or after February 28, 1990, and who, on or after

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

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

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

30 (iv) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
31 RESIDENTS. Sex offenders who move to Washington state from another
32 state that are not under the jurisdiction of the state department of
33 corrections, the indeterminate sentence review board, or the state
34 department of social and health services at the time of moving to
35 Washington, must register within thirty days of establishing residence
36 or reestablishing residence if the person is a former Washington
37 resident. The duty to register under this subsection applies to sex
38 offenders convicted under the laws of another state, federal statutes,
39 or Washington state for offenses committed on or after February 28,

1 1990. Sex offenders from other states who, when they move to
2 Washington, are under the jurisdiction of the department of
3 corrections, the indeterminate sentence review board, or the department
4 of social and health services must register within twenty-four hours of
5 moving to Washington. The agency that has jurisdiction over the
6 offender shall notify the offender of the registration requirements
7 before the offender moves to Washington.

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

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

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

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

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

1 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,
2 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex
3 offense by RCW 9.94A.030 and any violation of RCW 9.68A.090.

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

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