
SUBSTITUTE SENATE BILL 5326

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Fairley, Roach, Hargrove, West, Oke and Winsley)

Read first time 02/16/95.

1 AN ACT Relating to registration of sex offenders; and amending RCW
2 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 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, the United States probation service, a local division
4 of youth services, or a local jail or juvenile detention facility, must
5 register within twenty-four hours from the time of release with the
6 county sheriff for the county of the person's residence. The agency
7 that has jurisdiction over the offender shall provide notice to the sex
8 offender of the duty to register. Failure to register within twenty-
9 four hours of release constitutes a violation of this section and is
10 punishable as provided in subsection (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 or the United States
15 probation service's active supervision, as defined by the department of
16 corrections, the United States probation service, the state department
17 of social and health services, or a local division of youth services,
18 for sex offenses committed before, on, or after February 28, 1990, must
19 register within ten days of July 28, 1991. A change in supervision
20 status of a sex offender who was required to register under this
21 subsection (3)(a)(ii) as of July 28, 1991, shall not relieve the
22 offender of the duty to register or to reregister following a change in
23 residence. The obligation to register shall only cease pursuant to RCW
24 9A.44.140.

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

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

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

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

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

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

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

1 section moves out of Washington state, the person must also send
2 written notice within ten days of establishing residence in the new
3 state or foreign country to the county sheriff with whom the person
4 last registered in Washington state.

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

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

18 **Sec. 2.** RCW 9A.44.140 and 1991 c 274 s 3 are each amended to read
19 as follows:

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

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

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

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

35 (2) Any person having a duty to register under RCW 9A.44.130 may
36 petition the superior court to be relieved of that duty. The petition
37 shall be made to the court in which the petitioner was convicted of the
38 offense that subjects him or her to the duty to register, or, in the

1 case of convictions in other states or foreign country, to the court in
2 Thurston county. The prosecuting attorney of the county shall be named
3 and served as the respondent in any such petition. The court shall
4 consider the nature of the registrable offense committed, and the
5 criminal and relevant noncriminal behavior of the petitioner both
6 before and after conviction, and may consider other factors. Except as
7 provided in subsection (3) of this section, the court may relieve the
8 petitioner of the duty to register only if the petitioner shows, with
9 clear and convincing evidence, that future registration of the
10 petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
11 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

12 (3) An offender having a duty to register under RCW 9A.44.130 for
13 a sex offense committed when the offender was a juvenile may petition
14 the superior court to be relieved of that duty. The court shall
15 consider the nature of the registrable offense committed, and the
16 criminal and relevant noncriminal behavior of the petitioner both
17 before and after adjudication, and may consider other factors. The
18 court may relieve the petitioner of the duty to register for a sex
19 offense that was committed while the petitioner was fifteen years of
20 age or older only if the petitioner shows, with clear and convincing
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. The court may relieve the petitioner of the duty to
24 register for a sex offense that was committed while the petitioner was
25 under the age of fifteen if the petitioner (a) has not been adjudicated
26 of any additional sex offenses during the twenty-four months following
27 the adjudication for the sex offense giving rise to the duty to
28 register, and (b) the petitioner proves by a preponderance of the
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.

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

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

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