
SENATE BILL 6152

State of Washington 54th Legislature 1996 Regular Session

By Senators Long, A. Anderson, McCaslin, Winsley, Swecker and Roach

Read first time 01/08/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to registration of criminals who have victimized
2 children; amending RCW 4.24.550, 10.01.200, 43.43.540, 70.48.470, and
3 72.09.330; reenacting and amending RCW 9A.44.130 and 9A.44.140;
4 creating a new section; prescribing penalties; and providing an
5 effective date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that offenders who
8 commit kidnapping offenses against minor children pose a substantial
9 threat to the well-being of our communities. Child victims are
10 especially vulnerable and unable to protect themselves. The
11 legislature further finds that requiring sex offenders to register has
12 assisted law enforcement agencies in protecting their communities.
13 Similar registration requirements for offenders who have kidnapped or
14 unlawfully imprisoned a child would also assist law enforcement
15 agencies in protecting the children in their communities from further
16 victimization.

17 **Sec. 2.** RCW 4.24.550 and 1994 c 129 s 2 are each amended to read
18 as follows:

1 (1) Public agencies are authorized to release relevant and
2 necessary information regarding sex offenders and kidnapping offenders
3 to the public when the release of the information is necessary for
4 public protection.

5 (2) Local law enforcement agencies and officials who decide to
6 release information pursuant to this section shall make a good faith
7 effort to notify the public and residents at least fourteen days before
8 the ((sex)) offender is released. If a change occurs in the release
9 plan, this notification provision will not require an extension of the
10 release date. The department of corrections and the department of
11 social and health services shall provide local law enforcement
12 officials with all relevant information on sex offenders and kidnapping
13 offenders about to be released or placed into the community in a timely
14 manner.

15 (3) An elected public official, public employee, or public agency
16 as defined in RCW 4.24.470 is immune from civil liability for damages
17 for any discretionary decision to release relevant and necessary
18 information, unless it is shown that the official, employee, or agency
19 acted with gross negligence or in bad faith. The authorization and
20 immunity in this section applies to information regarding: (a) A
21 person convicted of, or juvenile found to have committed, a sex offense
22 as defined by RCW ((9.94A.030)) 9A.44.130 or a kidnapping offense as
23 defined by RCW 9A.44.130; (b) a person found not guilty of a sex
24 offense or kidnapping offense by reason of insanity under chapter 10.77
25 RCW; (c) a person found incompetent to stand trial for a sex offense or
26 kidnapping offense and subsequently committed under chapter 71.05 or
27 71.34 RCW; (d) a person committed as a sexual psychopath under chapter
28 71.06 RCW; or (e) a person committed as a sexually violent predator
29 under chapter 71.09 RCW. The immunity provided under this section
30 applies to the release of relevant information to other employees or
31 officials or to the general public.

32 (4) Except as otherwise provided by statute, nothing in this
33 section shall impose any liability upon a public official, public
34 employee, or public agency for failing to release information as
35 provided in subsections (2) and (3) of this section.

36 (5) Nothing in this section implies that information regarding
37 persons designated in subsections (2) and (3) of this section is
38 confidential except as otherwise provided by statute.

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

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

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

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

18 (i) (~~SEX~~) OFFENDERS IN CUSTODY. (A) Sex offenders who committed
19 a sex offense on, before, or after February 28, 1990, and who, on or
20 after July 28, 1991, are in custody, as a result of that offense, of
21 the state department of corrections, the state department of social and
22 health services, a local division of youth services, or a local jail or
23 juvenile detention facility, and (B) kidnapping offenders who on or
24 after the effective date of this act are in custody of the state
25 department of corrections, the state department of social and health
26 services, a local division of youth services, or a local jail or
27 juvenile detention facility, must register within twenty-four hours
28 from the time of release with the county sheriff for the county of the
29 person's residence. The agency that has jurisdiction over the offender
30 shall provide notice to the (~~sex~~) offender of the duty to register.
31 Failure to register within twenty-four hours of release constitutes a
32 violation of this section and is punishable as provided in subsection
33 (7) of this section.

34 (ii) (~~SEX~~) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
35 JURISDICTION. Sex offenders(~~7~~) who, on July 28, 1991, are not in
36 custody but are under the jurisdiction of the indeterminate sentence
37 review board or under the department of correction's active
38 supervision, as defined by the department of corrections, the state
39 department of social and health services, or a local division of youth

1 services, for sex offenses committed before, on, or after February 28,
2 1990, must register within ten days of July 28, 1991. Kidnapping
3 offenders who, on the effective date of this act, are not in custody
4 but are under the jurisdiction of the indeterminate sentence review
5 board or under the department of correction's active supervision, as
6 defined by the department of corrections, the state department of
7 social and health services, or a local division of youth services, for
8 kidnapping offenses committed before, on, or after the effective date
9 of this act must register within ten days of the effective date of this
10 act. A change in supervision status of a sex offender who was required
11 to register under this subsection (3)(a)(ii) as of July 28, 1991, or a
12 kidnapping offender required to register as of the effective date of
13 this act shall not relieve the offender of the duty to register or to
14 reregister following a change in residence. The obligation to register
15 shall only cease pursuant to RCW 9A.44.140.

16 (iii) ((SEX)) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders
17 who, on or after July 23, 1995, and kidnapping offenders who, on or
18 after the effective date of this act, as a result of that offense are
19 in the custody of the United States bureau of prisons or other federal
20 or military correctional agency for sex offenses committed before, on,
21 or after February 28, 1990, or kidnapping offenses committed on,
22 before, or after the effective date of this act, must register within
23 twenty-four hours from the time of release with the county sheriff for
24 the county of the person's residence. Sex offenders who, on July 23,
25 1995, are not in custody but are under the jurisdiction of the United
26 States bureau of prisons, United States courts, United States parole
27 commission, or military parole board for sex offenses committed before,
28 on, or after February 28, 1990, must register within ten days of July
29 23, 1995. Kidnapping offenders who, on the effective date of this act,
30 are not in custody but are under the jurisdiction of the United States
31 bureau of prisons, United States courts, United States parole
32 commission, or military parole board for kidnapping offenses committed
33 before, on, or after the effective date of this act must register
34 within ten days of the effective date of this act. A change in
35 supervision status of a sex offender who was required to register under
36 this subsection (3)(a)(iii) as of July 23, 1995, or a kidnapping
37 offender required to register as of the effective date of this act
38 shall 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, and
6 kidnapping offenders who are convicted on or after the effective date
7 of this act for a kidnapping offense that was committed on or after the
8 effective date of this act, but who are not sentenced to serve a term
9 of confinement immediately upon sentencing, shall report to the county
10 sheriff to register immediately upon completion of being sentenced.

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

33 (vi) ((SEX)) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any
34 adult or juvenile who has been found not guilty by reason of insanity
35 under chapter 10.77 RCW of (A) committing a sex offense on, before, or
36 after February 28, 1990, and who, on or after July 23, 1995, is in
37 custody, as a result of that finding, of the state department of social
38 and health services, or (B) committing a kidnapping offense on, before,
39 or after the effective date of this act and who on or after the

1 effective date of this act is in custody, as a result of that finding,
2 of the state department of social and health services, must register
3 within twenty-four hours from the time of release with the county
4 sheriff for the county of the person's residence. The state department
5 of social and health services shall provide notice to the adult or
6 juvenile in its custody of the duty to register. Any adult or juvenile
7 who has been found not guilty by reason of insanity of committing a sex
8 offense on, before, or after February 28, 1990, but who was released
9 ((prior to)) before July 23, 1995, or any adult or juvenile who has
10 been found not guilty by reason of insanity of committing a kidnapping
11 offense but who was released before the effective date of this act,
12 shall be required to register within twenty-four hours of receiving
13 notice of this registration requirement. The state department of
14 social and health services shall make reasonable attempts within
15 available resources to notify sex offenders who were released ((prior
16 to)) before July 23, 1995, and kidnapping offenders who were released
17 before the effective date of this act. Failure to register within
18 twenty-four hours of release, or of receiving notice, constitutes a
19 violation of this section and is punishable as provided in subsection
20 (7) of this section.

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

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

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

4 (4) If any person required to register pursuant to this section
5 changes his or her residence address within the same county, the person
6 must send written notice of the change of address to the county sheriff
7 within ten days of moving. If any person required to register pursuant
8 to this section moves to a new county, the person must register with
9 the county sheriff in the new county within ten days of moving. The
10 person must also send written notice within ten days of the change of
11 address in the new county to the county sheriff with whom the person
12 last registered. If any person required to register pursuant to this
13 section moves out of Washington state, the person must also send
14 written notice within ten days of moving to the new state or a foreign
15 country to the county sheriff with whom the person last registered in
16 Washington state.

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

19 (6) (~~"Sex offense"~~) For the purpose of RCW 9A.44.130, 10.01.200,
20 43.43.540, 70.48.470, and 72.09.330:

21 (a) "Sex offense" means any offense defined as a sex offense by RCW
22 9.94A.030 and any violation of RCW 9.68A.040 or 9.68A.090 as well as
23 any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal
24 attempt, criminal solicitation, or criminal conspiracy to commit an
25 offense that is classified as a sex offense under RCW 9.94A.030.

26 (b) "Kidnapping offense" means the crimes of kidnapping in the
27 first degree, kidnapping in the second degree, and unlawful
28 imprisonment as defined in chapter 9A.40 RCW, where the victim is a
29 minor and the offender is not the minor's parent.

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

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

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

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

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

13 (c) For a person convicted of a class C felony or any violation of
14 RCW 9.68A.090 or an attempt, solicitation, or conspiracy to commit a
15 class C felony: Ten years after the last date of release from
16 confinement, if any, (including full-time residential treatment)
17 pursuant to the conviction, or entry of the judgment and sentence, if
18 the person has spent ten consecutive years in the community without
19 being convicted of any new offenses.

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

23 (3) Any person having a duty to register under RCW 9A.44.130 may
24 petition the superior court to be relieved of that duty. The petition
25 shall be made to the court in which the petitioner was convicted of the
26 offense that subjects him or her to the duty to register, or, in the
27 case of convictions in other states, a foreign country, or a federal or
28 military court, to the court in Thurston county. The prosecuting
29 attorney of the county shall be named and served as the respondent in
30 any such petition. The court shall consider the nature of the
31 registrable offense committed, and the criminal and relevant
32 noncriminal behavior of the petitioner both before and after
33 conviction, and may consider other factors. Except as provided in
34 subsection (4) of this section, the court may relieve the petitioner of
35 the duty to register only if the petitioner shows, with clear and
36 convincing evidence, that future registration of the petitioner will
37 not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540,
38 46.20.187, 70.48.470, and 72.09.330.

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

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

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

28 **Sec. 5.** RCW 10.01.200 and 1990 c 3 s 404 are each amended to read
29 as follows:

30 The court shall provide written notification to any defendant
31 charged with a sex offense or kidnapping offense of the registration
32 requirements of RCW 9A.44.130. Such notice shall be included on any
33 guilty plea forms and judgment and sentence forms provided to the
34 defendant.

35 **Sec. 6.** RCW 43.43.540 and 1990 c 3 s 403 are each amended to read
36 as follows:

1 The county sheriff shall forward the information and fingerprints
2 obtained pursuant to RCW 9A.44.130 to the Washington state patrol
3 within five working days. The state patrol shall maintain a central
4 registry of sex offenders and kidnapping offenders required to register
5 under RCW 9A.44.130 and shall adopt rules consistent with chapters
6 10.97, 10.98, and 43.43 RCW as are necessary to carry out the purposes
7 of RCW 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 46.20.187,
8 70.48.470, and 72.09.330. The Washington state patrol shall reimburse
9 the counties for the costs of processing the ((sex)) offender
10 registration, including taking the fingerprints and the photographs.

11 **Sec. 7.** RCW 70.48.470 and 1990 c 3 s 406 are each amended to read
12 as follows:

13 A person having charge of a jail shall notify in writing any
14 confined person who is in the custody of the jail for a conviction of
15 a ((sexual)) sex offense or kidnapping offense as defined in RCW
16 ((9.94A.030)) 9A.44.130 of the registration requirements of RCW
17 9A.44.130 at the time of the inmate's release from confinement, and
18 shall obtain written acknowledgment of such notification.

19 **Sec. 8.** RCW 72.09.330 and 1990 c 3 s 405 are each amended to read
20 as follows:

21 (1) The department shall provide written notification to an inmate
22 convicted of a sex offense or kidnapping offense of the registration
23 requirements of RCW 9A.44.130 at the time of the inmate's release from
24 confinement and shall receive and retain a signed acknowledgement of
25 receipt.

26 (2) The department shall provide written notification to an
27 individual convicted of a sex offense or kidnapping offense from
28 another state of the registration requirements of RCW 9A.44.130 at the
29 time the department accepts supervision and has legal authority of the
30 individual under the terms and conditions of the interstate compact
31 agreement under RCW 9.95.270.

32 NEW SECTION. **Sec. 9.** This act shall take effect July 1, 1996.

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