

2 **HB 1172** - S COMM AMD

3 By Committee on Human Services & Corrections

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5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 9A.44.130 and 1996 c 275 s 11 are each amended to
8 read as follows:

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

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

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

22 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex
23 offense on, before, or after February 28, 1990, and who, on or after
24 July 28, 1991, are in custody, as a result of that offense, of the
25 state department of corrections, the state department of social and
26 health 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 When the agency with jurisdiction intends to release an offender
35 with a duty to register under this section, and the agency has
36 knowledge that the offender is eligible for developmental disability

1 services from the department of social and health services, the agency
2 shall notify the division of developmental disabilities of the release.
3 Notice shall occur not more than thirty days before the offender is to
4 be released. The agency and the division shall assist the offender in
5 meeting the initial registration requirement under this section.
6 Failure to provide such assistance shall not constitute a defense for
7 any violation of this section.

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

21 (iii) SEX OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who,
22 on or after July 23, 1995, as a result of that offense are in the
23 custody of the United States bureau of prisons or other federal or
24 military correctional agency for sex offenses committed before, on, or
25 after February 28, 1990, must register within twenty-four hours from
26 the time of release with the county sheriff for the county of the
27 person's residence. Sex offenders who, on July 23, 1995, are not in
28 custody but are under the jurisdiction of the United States bureau of
29 prisons, United States courts, United States parole commission, or
30 military parole board for sex offenses committed before, on, or after
31 February 28, 1990, must register within ten days of July 23, 1995. A
32 change in supervision status of a sex offender who was required to
33 register under this subsection (3)(a)(iii) as of July 23, 1995, shall
34 not relieve the offender of the duty to register or to reregister
35 following a change in residence. The obligation to register shall only
36 cease pursuant to RCW 9A.44.140.

37 (iv) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex
38 offenders who are convicted of a sex offense on or after July 28, 1991,
39 for a sex offense that was committed on or after February 28, 1990, but

1 who are not sentenced to serve a term of confinement immediately upon
2 sentencing, shall report to the county sheriff to register immediately
3 upon completion of being sentenced.

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

22 (vi) SEX OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any
23 adult or juvenile who has been found not guilty by reason of insanity
24 under chapter 10.77 RCW of committing a sex offense on, before, or
25 after February 28, 1990, and who, on or after July 23, 1995, is in
26 custody, as a result of that finding, of the state department of social
27 and health services, must register within twenty-four hours from the
28 time of release with the county sheriff for the county of the person's
29 residence. The state department of social and health services shall
30 provide notice to the adult or juvenile in its custody of the duty to
31 register. Any adult or juvenile who has been found not guilty by
32 reason of insanity of committing a sex offense on, before, or after
33 February 28, 1990, but who was released prior to July 23, 1995, shall
34 be required to register within twenty-four hours of receiving notice of
35 this registration requirement. The state department of social and
36 health services shall make reasonable attempts within available
37 resources to notify offenders who were released prior to July 23, 1995.
38 Failure to register within twenty-four hours of release, or of

1 receiving notice, constitutes a violation of this section and is
2 punishable as provided in subsection (7) of this section.

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

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

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

23 (4)(a) If any person required to register pursuant to this section
24 changes his or her residence address within the same county, the person
25 must send written notice of the change of address to the county sheriff
26 (~~at least fourteen days before~~) within seventy-two hours of moving.
27 If any person required to register pursuant to this section moves to a
28 new county, the person must send written notice of the change of
29 address at least fourteen days before moving to the county sheriff in
30 the new county of residence and must register with that county sheriff
31 within twenty-four hours of moving. The person must also send written
32 notice within ten days of the change of address in the new county to
33 the county sheriff with whom the person last registered. If any person
34 required to register pursuant to this section moves out of Washington
35 state, the person must also send written notice within ten days of
36 moving to the new state or a foreign country to the county sheriff with
37 whom the person last registered in Washington state.

38 (b) It is an affirmative defense to a charge that the person failed
39 to send a notice at least fourteen days in advance of moving as

1 required under (a) of this subsection that the person did not know the
2 location of his or her new residence at least fourteen days before
3 moving. The defendant must establish the defense by a preponderance of
4 the evidence and, to prevail on the defense, must also prove by a
5 preponderance that the defendant sent the required notice within
6 twenty-four hours of determining the new address.

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

9 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,
10 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex
11 offense by RCW 9.94A.030 and any violation of RCW 9.68A.090 or
12 9A.44.096 as well as any gross misdemeanor that is, under chapter 9A.28
13 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy
14 to commit an offense that is classified as a sex offense under RCW
15 9.94A.030.

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

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28 On page 1, line 1 of the title, after "registration;" strike the
29 remainder of the title and insert "amending RCW 9A.44.130; and
30 prescribing penalties."

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