
SENATE BILL 5189

State of Washington

55th Legislature

1997 Regular Session

By Senators Goings, Long, Hargrove, Zarelli, Fairley, Schow, Patterson, Oke, Winsley, McCaslin, Rasmussen and Haugen

Read first time 01/17/97. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to sex offender registration violations; amending
2 RCW 9A.44.130; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.44.130 and 1996 c 275 s 11 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, 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)(a) 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 (~~at least fourteen days before~~) within seventy-two hours of moving.
31 If any person required to register pursuant to this section moves to a
32 new county, the person must send written notice of the change of
33 address at least fourteen days before moving to the county sheriff in
34 the new county of residence and must register with that county sheriff
35 within twenty-four hours of moving. The person must also send written
36 notice within ten days of the change of address in the new county to
37 the county sheriff with whom the person last registered. If any person
38 required to register pursuant to this section moves out of Washington
39 state, the person must also send written notice within ten days of

1 moving to the new state or a foreign country to the county sheriff with
2 whom the person last registered in Washington state.

3 (b) It is an affirmative defense to a charge that the person failed
4 to send a notice at least fourteen days in advance of moving as
5 required under (a) of this subsection that the person did not know the
6 location of his or her new residence at least fourteen days before
7 moving. The defendant must establish the defense by a preponderance of
8 the evidence and, to prevail on the defense, must also prove by a
9 preponderance that the defendant sent the required notice within
10 twenty-four hours of determining the new address.

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

13 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,
14 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex
15 offense by RCW 9.94A.030 and any violation of RCW 9.68A.090 or
16 9A.44.096 as well as any gross misdemeanor that is, under chapter 9A.28
17 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy
18 to commit an offense that is classified as a sex offense under RCW
19 9.94A.030.

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

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