
HOUSE BILL 1764

State of Washington

57th Legislature

2001 Regular Session

By Representatives Ruderman, Ballasiotes, Dunshee, O'Brien, Barlean, Gombosky, Kessler and Tokuda

Read first time 02/02/2001. Referred to Committee on Juvenile Justice.

1 AN ACT Relating to juvenile sex offender registration; and amending
2 RCW 9A.44.140.

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

4 **Sec. 1.** RCW 9A.44.140 and 2000 c 91 s 3 are each amended to read
5 as follows:

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

7 (a) For a person convicted of a class A felony, or a person
8 convicted of any sex offense or kidnapping offense who has one or more
9 prior convictions for a sex offense or kidnapping offense: Such person
10 may only be relieved of the duty to register under subsection (3) or
11 (4) of this section.

12 (b) For a person convicted of a class B felony, and the person does
13 not have one or more prior convictions for a sex offense or kidnapping
14 offense: Fifteen years after the last date of release from
15 confinement, if any, (including full-time residential treatment)
16 pursuant to the conviction, or entry of the judgment and sentence, if
17 the person has spent fifteen consecutive years in the community without
18 being convicted of any new offenses.

1 (c) For a person convicted of a class C felony, a violation of RCW
2 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to
3 commit a class C felony, and the person does not have one or more prior
4 convictions for a sex offense or kidnapping offense: Ten years after
5 the last date of release from confinement, if any, (including full-time
6 residential treatment) pursuant to the conviction, or entry of the
7 judgment and sentence, if the person has spent ten consecutive years in
8 the community without being convicted of any new offenses.

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

12 (3)(a) Any person having a duty to register under RCW 9A.44.130 may
13 petition the superior court to be relieved of that duty, if the person
14 has spent ten consecutive years in the community without being
15 convicted of any new offenses. The petition shall be made to the court
16 in which the petitioner was convicted of the offense that subjects him
17 or her to the duty to register, or, in the case of convictions in other
18 states, a foreign country, or a federal or military court, to the court
19 in Thurston county. The prosecuting attorney of the county shall be
20 named and served as the respondent in any such petition. The court
21 shall consider the nature of the registrable offense committed, and the
22 criminal and relevant noncriminal behavior of the petitioner both
23 before and after conviction, and may consider other factors. Except as
24 provided in subsection (4) of this section, the court may relieve the
25 petitioner of the duty to register only if the petitioner shows, with
26 clear and convincing evidence, that future registration of the
27 petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
28 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

29 (b)(i) The court may not relieve a person of the duty to register
30 if the person has been determined to be a sexually violent predator as
31 defined in RCW 71.09.020, or has been convicted of a sex offense or
32 kidnapping offense that is a class A felony and that was committed with
33 forcible compulsion on or after June 8, 2000.

34 (ii) Any person subject to (b)(i) of this subsection may petition
35 the court to be exempted from any community notification requirements
36 that the person may be subject to fifteen years after the later of the
37 entry of the judgment and sentence or the last date of release from
38 confinement, including full-time residential treatment, pursuant to the

1 conviction, if the person has spent the time in the community without
2 being convicted of any new offense.

3 (4) An offender having a duty to register under RCW 9A.44.130 for
4 a sex offense or kidnapping offense committed when the offender was a
5 juvenile may petition the superior court to be relieved of that duty.
6 The court shall consider the nature of the registrable offense
7 committed, and the criminal and relevant noncriminal behavior of the
8 petitioner both before and after adjudication, and may consider other
9 factors.

10 (a) Except as provided in (c) of this subsection, the court may
11 relieve the petitioner of the duty to register for a sex offense or
12 kidnapping offense that was committed while the petitioner was
13 ((fifteen)) thirteen years of age or older only if the petitioner
14 shows, with clear and convincing evidence, that future registration of
15 the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
16 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

17 (b) Except as provided in (c) of this subsection, the court may
18 relieve the petitioner of the duty to register for a sex offense or
19 kidnapping offense that was committed while the petitioner was under
20 the age of ((fifteen)) thirteen if the petitioner (i) has not been
21 adjudicated of any additional sex offenses or kidnapping offenses
22 during the twenty-four months ((following the adjudication)) after
23 completion of the petitioner's supervision by the department of social
24 and health services for the offense giving rise to the duty to
25 register, and (ii) proves by a preponderance of the evidence that
26 future registration of the petitioner will not serve the purposes of
27 RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and
28 72.09.330.

29 (c) For a petitioner convicted of a class A felony, or a petitioner
30 convicted of any sex offense or kidnapping offense who has one or more
31 prior convictions for a sex offense or kidnapping offense: Such
32 petitioner may only be relieved of the duty to register under
33 subsection (3) of this section.

34 This subsection shall not apply to juveniles prosecuted as adults.

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

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

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