

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6519

Chapter 129, Laws of 2006

59th Legislature
2006 Regular Session

SEX OFFENDERS--REPORTING REQUIREMENT

EFFECTIVE DATE: 6/7/06 - Except section 2, which becomes effective 9/1/06.

Passed by the Senate March 8, 2006
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 7, 2006
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6519** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved March 20, 2006.

FILED

March 20, 2006 - 11:24 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6519

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Senate Committee on Human Services Corrections (originally sponsored by Senators Benton, Benson, Schoesler, Carrell, Esser, Jacobsen, Pflug, Mulliken, Johnson, Honeyford, Sheldon, Roach, Kline, Oke, Rasmussen and Keiser)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to county sheriffs monitoring registered sex
2 offenders; amending RCW 9A.44.130; reenacting and amending RCW
3 9A.44.130; providing an effective date; and providing an expiration
4 date.

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

6 **Sec. 1.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are
7 each reenacted and amended to read as follows:

8 (1) Any adult or juvenile residing whether or not the person has a
9 fixed residence, or who is a student, is employed, or carries on a
10 vocation in this state who has been found to have committed or has been
11 convicted of any sex offense or kidnapping offense, or who has been
12 found not guilty by reason of insanity under chapter 10.77 RCW of
13 committing any sex offense or kidnapping offense, shall register with
14 the county sheriff for the county of the person's residence, or if the
15 person is not a resident of Washington, the county of the person's
16 school, or place of employment or vocation, or as otherwise specified
17 in this section. Where a person required to register under this
18 section is in custody of the state department of corrections, the state
19 department of social and health services, a local division of youth

1 services, or a local jail or juvenile detention facility as a result of
2 a sex offense or kidnapping offense, the person shall also register at
3 the time of release from custody with an official designated by the
4 agency that has jurisdiction over the person. In addition, any such
5 adult or juvenile: (a) Who is admitted to a public or private
6 institution of higher education shall, within ten days of enrolling or
7 by the first business day after arriving at the institution, whichever
8 is earlier, notify the sheriff for the county of the person's residence
9 of the person's intent to attend the institution; (b) who gains
10 employment at a public or private institution of higher education
11 shall, within ten days of accepting employment or by the first business
12 day after commencing work at the institution, whichever is earlier,
13 notify the sheriff for the county of the person's residence of the
14 person's employment by the institution; or (c) whose enrollment or
15 employment at a public or private institution of higher education is
16 terminated shall, within ten days of such termination, notify the
17 sheriff for the county of the person's residence of the person's
18 termination of enrollment or employment at the institution. Persons
19 required to register under this section who are enrolled in a public or
20 private institution of higher education on June 11, 1998, must notify
21 the county sheriff immediately. The sheriff shall notify the
22 institution's department of public safety and shall provide that
23 department with the same information provided to a county sheriff under
24 subsection (3) of this section.

25 (2) This section may not be construed to confer any powers pursuant
26 to RCW ((~~4.24.500~~)) 4.24.550 upon the public safety department of any
27 public or private institution of higher education.

28 (3)(a) The person shall provide the following information when
29 registering: (i) Name; (ii) address; (iii) date and place of birth;
30 (iv) place of employment; (v) crime for which convicted; (vi) date and
31 place of conviction; (vii) aliases used; (viii) social security number;
32 (ix) photograph; and (x) fingerprints.

33 (b) Any person who lacks a fixed residence shall provide the
34 following information when registering: (i) Name; (ii) date and place
35 of birth; (iii) place of employment; (iv) crime for which convicted;
36 (v) date and place of conviction; (vi) aliases used; (vii) social
37 security number; (viii) photograph; (ix) fingerprints; and (x) where he
38 or she plans to stay.

1 (4)(a) Offenders shall register with the county sheriff within the
2 following deadlines. For purposes of this section the term
3 "conviction" refers to adult convictions and juvenile adjudications for
4 sex offenses or kidnapping offenses:

5 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
6 offense on, before, or after February 28, 1990, and who, on or after
7 July 28, 1991, are in custody, as a result of that offense, of the
8 state department of corrections, the state department of social and
9 health services, a local division of youth services, or a local jail or
10 juvenile detention facility, and (B) kidnapping offenders who on or
11 after July 27, 1997, are in custody of the state department of
12 corrections, the state department of social and health services, a
13 local division of youth services, or a local jail or juvenile detention
14 facility, must register at the time of release from custody with an
15 official designated by the agency that has jurisdiction over the
16 offender. The agency shall within three days forward the registration
17 information to the county sheriff for the county of the offender's
18 anticipated residence. The offender must also register within twenty-
19 four hours from the time of release with the county sheriff for the
20 county of the person's residence, or if the person is not a resident of
21 Washington, the county of the person's school, or place of employment
22 or vocation. The agency that has jurisdiction over the offender shall
23 provide notice to the offender of the duty to register. Failure to
24 register at the time of release and within twenty-four hours of release
25 constitutes a violation of this section and is punishable as provided
26 in subsection (~~((10))~~) (11) of this section.

27 When the agency with jurisdiction intends to release an offender
28 with a duty to register under this section, and the agency has
29 knowledge that the offender is eligible for developmental disability
30 services from the department of social and health services, the agency
31 shall notify the division of developmental disabilities of the release.
32 Notice shall occur not more than thirty days before the offender is to
33 be released. The agency and the division shall assist the offender in
34 meeting the initial registration requirement under this section.
35 Failure to provide such assistance shall not constitute a defense for
36 any violation of this section.

37 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
38 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody

1 but are under the jurisdiction of the indeterminate sentence review
2 board or under the department of correction's active supervision, as
3 defined by the department of corrections, the state department of
4 social and health services, or a local division of youth services, for
5 sex offenses committed before, on, or after February 28, 1990, must
6 register within ten days of July 28, 1991. Kidnapping offenders who,
7 on July 27, 1997, are not in custody but are under the jurisdiction of
8 the indeterminate sentence review board or under the department of
9 correction's active supervision, as defined by the department of
10 corrections, the state department of social and health services, or a
11 local division of youth services, for kidnapping offenses committed
12 before, on, or after July 27, 1997, must register within ten days of
13 July 27, 1997. A change in supervision status of a sex offender who
14 was required to register under this subsection (4)(a)(ii) as of July
15 28, 1991, or a kidnapping offender required to register as of July 27,
16 1997, shall not relieve the offender of the duty to register or to
17 reregister following a change in residence. The obligation to register
18 shall only cease pursuant to RCW 9A.44.140.

19 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
20 or after July 23, 1995, and kidnapping offenders who, on or after July
21 27, 1997, as a result of that offense are in the custody of the United
22 States bureau of prisons or other federal or military correctional
23 agency for sex offenses committed before, on, or after February 28,
24 1990, or kidnapping offenses committed on, before, or after July 27,
25 1997, must register within twenty-four hours from the time of release
26 with the county sheriff for the county of the person's residence, or if
27 the person is not a resident of Washington, the county of the person's
28 school, or place of employment or vocation. Sex offenders who, on July
29 23, 1995, are not in custody but are under the jurisdiction of the
30 United States bureau of prisons, United States courts, United States
31 parole commission, or military parole board for sex offenses committed
32 before, on, or after February 28, 1990, must register within ten days
33 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
34 in custody but are under the jurisdiction of the United States bureau
35 of prisons, United States courts, United States parole commission, or
36 military parole board for kidnapping offenses committed before, on, or
37 after July 27, 1997, must register within ten days of July 27, 1997.
38 A change in supervision status of a sex offender who was required to

1 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
2 kidnapping offender required to register as of July 27, 1997 shall not
3 relieve the offender of the duty to register or to reregister following
4 a change in residence, or if the person is not a resident of
5 Washington, the county of the person's school, or place of employment
6 or vocation. The obligation to register shall only cease pursuant to
7 RCW 9A.44.140.

8 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
9 who are convicted of a sex offense on or after July 28, 1991, for a sex
10 offense that was committed on or after February 28, 1990, and
11 kidnapping offenders who are convicted on or after July 27, 1997, for
12 a kidnapping offense that was committed on or after July 27, 1997, but
13 who are not sentenced to serve a term of confinement immediately upon
14 sentencing, shall report to the county sheriff to register immediately
15 upon completion of being sentenced.

16 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
17 RESIDENTS. Sex offenders and kidnapping offenders who move to
18 Washington state from another state or a foreign country that are not
19 under the jurisdiction of the state department of corrections, the
20 indeterminate sentence review board, or the state department of social
21 and health services at the time of moving to Washington, must register
22 within thirty days of establishing residence or reestablishing
23 residence if the person is a former Washington resident. The duty to
24 register under this subsection applies to sex offenders convicted under
25 the laws of another state or a foreign country, federal or military
26 statutes, or Washington state for offenses committed on or after
27 February 28, 1990, and to kidnapping offenders convicted under the laws
28 of another state or a foreign country, federal or military statutes, or
29 Washington state for offenses committed on or after July 27, 1997. Sex
30 offenders and kidnapping offenders from other states or a foreign
31 country who, when they move to Washington, are under the jurisdiction
32 of the department of corrections, the indeterminate sentence review
33 board, or the department of social and health services must register
34 within twenty-four hours of moving to Washington. The agency that has
35 jurisdiction over the offender shall notify the offender of the
36 registration requirements before the offender moves to Washington.

37 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
38 or juvenile who has been found not guilty by reason of insanity under

1 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
2 February 28, 1990, and who, on or after July 23, 1995, is in custody,
3 as a result of that finding, of the state department of social and
4 health services, or (B) committing a kidnapping offense on, before, or
5 after July 27, 1997, and who on or after July 27, 1997, is in custody,
6 as a result of that finding, of the state department of social and
7 health services, must register within twenty-four hours from the time
8 of release with the county sheriff for the county of the person's
9 residence. The state department of social and health services shall
10 provide notice to the adult or juvenile in its custody of the duty to
11 register. Any adult or juvenile who has been found not guilty by
12 reason of insanity of committing a sex offense on, before, or after
13 February 28, 1990, but who was released before July 23, 1995, or any
14 adult or juvenile who has been found not guilty by reason of insanity
15 of committing a kidnapping offense but who was released before July 27,
16 1997, shall be required to register within twenty-four hours of
17 receiving notice of this registration requirement. The state
18 department of social and health services shall make reasonable attempts
19 within available resources to notify sex offenders who were released
20 before July 23, 1995, and kidnapping offenders who were released before
21 July 27, 1997. Failure to register within twenty-four hours of
22 release, or of receiving notice, constitutes a violation of this
23 section and is punishable as provided in subsection (~~(10)~~) (11) of
24 this section.

25 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
26 a fixed residence and leaves the county in which he or she is
27 registered and enters and remains within a new county for twenty-four
28 hours is required to register with the county sheriff not more than
29 twenty-four hours after entering the county and provide the information
30 required in subsection (3)(b) of this section.

31 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
32 SUPERVISION. Offenders who lack a fixed residence and who are under
33 the supervision of the department shall register in the county of their
34 supervision.

35 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
36 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,
37 who move to another state, or who work, carry on a vocation, or attend
38 school in another state shall register a new address, fingerprints, and

1 photograph with the new state within ten days after establishing
2 residence, or after beginning to work, carry on a vocation, or attend
3 school in the new state. The person must also send written notice
4 within ten days of moving to the new state or to a foreign country to
5 the county sheriff with whom the person last registered in Washington
6 state. The county sheriff shall promptly forward this information to
7 the Washington state patrol.

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

13 (c) An arrest on charges of failure to register, service of an
14 information, or a complaint for a violation of this section, or
15 arraignment on charges for a violation of this section, constitutes
16 actual notice of the duty to register. Any person charged with the
17 crime of failure to register under this section who asserts as a
18 defense the lack of notice of the duty to register shall register
19 immediately following actual notice of the duty through arrest,
20 service, or arraignment. Failure to register as required under this
21 subsection (4)(c) constitutes grounds for filing another charge of
22 failing to register. Registering following arrest, service, or
23 arraignment on charges shall not relieve the offender from criminal
24 liability for failure to register prior to the filing of the original
25 charge.

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

29 (5)(a) If any person required to register pursuant to this section
30 changes his or her residence address within the same county, the person
31 must send written notice of the change of address to the county sheriff
32 within seventy-two hours of moving. If any person required to register
33 pursuant to this section moves to a new county, the person must send
34 written notice of the change of address at least fourteen days before
35 moving to the county sheriff in the new county of residence and must
36 register with that county sheriff within twenty-four hours of moving.
37 The person must also send written notice within ten days of the change
38 of address in the new county to the county sheriff with whom the person

1 last registered. The county sheriff with whom the person last
2 registered shall promptly forward the information concerning the change
3 of address to the county sheriff for the county of the person's new
4 residence. Upon receipt of notice of change of address to a new state,
5 the county sheriff shall promptly forward the information regarding the
6 change of address to the agency designated by the new state as the
7 state's offender registration agency.

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

16 (6)(a) Any person required to register under this section who lacks
17 a fixed residence shall provide written notice to the sheriff of the
18 county where he or she last registered within forty-eight hours
19 excluding weekends and holidays after ceasing to have a fixed
20 residence. The notice shall include the information required by
21 subsection (3)(b) of this section, except the photograph and
22 fingerprints. The county sheriff may, for reasonable cause, require
23 the offender to provide a photograph and fingerprints. The sheriff
24 shall forward this information to the sheriff of the county in which
25 the person intends to reside, if the person intends to reside in
26 another county.

27 (b) A person who lacks a fixed residence must report weekly, in
28 person, to the sheriff of the county where he or she is registered.
29 The weekly report shall be on a day specified by the county sheriff's
30 office, and shall occur during normal business hours. The county
31 sheriff's office may require the person to list the locations where the
32 person has stayed during the last seven days. The lack of a fixed
33 residence is a factor that may be considered in determining an
34 offender's risk level and shall make the offender subject to disclosure
35 of information to the public at large pursuant to RCW 4.24.550.

36 (c) If any person required to register pursuant to this section
37 does not have a fixed residence, it is an affirmative defense to the
38 charge of failure to register, that he or she provided written notice

1 to the sheriff of the county where he or she last registered within
2 forty-eight hours excluding weekends and holidays after ceasing to have
3 a fixed residence and has subsequently complied with the requirements
4 of subsections (4)(a)(vii) or (viii) and (6) of this section. To
5 prevail, the person must prove the defense by a preponderance of the
6 evidence.

7 (7) All offenders who are required to register pursuant to this
8 section who have a fixed residence and who are designated as a risk
9 level II or III must report, in person, every ninety days to the
10 sheriff of the county where he or she is registered. Reporting shall
11 be on a day specified by the county sheriff's office, and shall occur
12 during normal business hours. An offender who complies with the
13 ninety-day reporting requirement with no violations for a period of at
14 least five years in the community may petition the superior court to be
15 relieved of the duty to report every ninety days. The petition shall
16 be made to the superior court in the county where the offender resides
17 or reports under this section. The prosecuting attorney of the county
18 shall be named and served as respondent in any such petition. The court
19 shall relieve the petitioner of the duty to report if the petitioner
20 shows, by a preponderance of the evidence, that the petitioner has
21 complied with the reporting requirement for a period of at least five
22 years and that the offender has not been convicted of a criminal
23 violation of this section for a period of at least five years, and the
24 court determines that the reporting no longer serves a public safety
25 purpose. Failure to report, as specified, constitutes a violation of
26 this section and is punishable as provided in subsection (11) of this
27 section.

28 (8) A sex offender subject to registration requirements under this
29 section who applies to change his or her name under RCW 4.24.130 or any
30 other law shall submit a copy of the application to the county sheriff
31 of the county of the person's residence and to the state patrol not
32 fewer than five days before the entry of an order granting the name
33 change. No sex offender under the requirement to register under this
34 section at the time of application shall be granted an order changing
35 his or her name if the court finds that doing so will interfere with
36 legitimate law enforcement interests, except that no order shall be
37 denied when the name change is requested for religious or legitimate
38 cultural reasons or in recognition of marriage or dissolution of

1 marriage. A sex offender under the requirement to register under this
2 section who receives an order changing his or her name shall submit a
3 copy of the order to the county sheriff of the county of the person's
4 residence and to the state patrol within five days of the entry of the
5 order.

6 ~~((+8))~~ (9) The county sheriff shall obtain a photograph of the
7 individual and shall obtain a copy of the individual's fingerprints.
8 A photograph may be taken at any time to update an individual's file.

9 ~~((+9))~~ (10) For the purpose of RCW 9A.44.130, 10.01.200,
10 43.43.540, 70.48.470, and 72.09.330:

11 (a) "Sex offense" means:

12 (i) Any offense defined as a sex offense by RCW 9.94A.030;

13 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
14 minor in the second degree);

15 (iii) Any violation under RCW 9.68A.090 (communication with a minor
16 for immoral purposes);

17 (iv) Any federal or out-of-state conviction for an offense that
18 under the laws of this state would be classified as a sex offense under
19 this subsection; and

20 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
21 criminal attempt, criminal solicitation, or criminal conspiracy to
22 commit an offense that is classified as a sex offense under RCW
23 9.94A.030 or this subsection.

24 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
25 the first degree, kidnapping in the second degree, and unlawful
26 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
27 minor and the offender is not the minor's parent; (ii) any offense that
28 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
29 or criminal conspiracy to commit an offense that is classified as a
30 kidnapping offense under this subsection ~~((+9))~~ (10)(b); and (iii) any
31 federal or out-of-state conviction for an offense that under the laws
32 of this state would be classified as a kidnapping offense under this
33 subsection ~~((+9))~~ (10)(b).

34 (c) "Employed" or "carries on a vocation" means employment that is
35 full-time or part-time for a period of time exceeding fourteen days, or
36 for an aggregate period of time exceeding thirty days during any
37 calendar year. A person is employed or carries on a vocation whether

1 the person's employment is financially compensated, volunteered, or for
2 the purpose of government or educational benefit.

3 (d) "Student" means a person who is enrolled, on a full-time or
4 part-time basis, in any public or private educational institution. An
5 educational institution includes any secondary school, trade or
6 professional institution, or institution of higher education.

7 ~~((+10+))~~ (11)(a) A person who knowingly fails to register with the
8 county sheriff or notify the county sheriff, or who changes his or her
9 name without notifying the county sheriff and the state patrol, as
10 required by this section is guilty of a class C felony if the crime for
11 which the individual was convicted was a felony sex offense as defined
12 in subsection ~~((+9+))~~ (10)(a) of this section or a federal or out-of-
13 state conviction for an offense that under the laws of this state would
14 be a felony sex offense as defined in subsection ~~((+9+))~~ (10)(a) of
15 this section.

16 (b) If the crime for which the individual was convicted was other
17 than a felony or a federal or out-of-state conviction for an offense
18 that under the laws of this state would be other than a felony,
19 violation of this section is a gross misdemeanor.

20 ~~((+11+))~~ (12)(a) A person who knowingly fails to register or who
21 moves within the state without notifying the county sheriff as required
22 by this section is guilty of a class C felony if the crime for which
23 the individual was convicted was a felony kidnapping offense as defined
24 in subsection ~~((+9+))~~ (10)(b) of this section or a federal or out-of-
25 state conviction for an offense that under the laws of this state would
26 be a felony kidnapping offense as defined in subsection ~~((+9+))~~ (10)(b)
27 of this section.

28 (b) If the crime for which the individual was convicted was other
29 than a felony or a federal or out-of-state conviction for an offense
30 that under the laws of this state would be other than a felony,
31 violation of this section is a gross misdemeanor.

32 **Sec. 2.** RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read
33 as follows:

34 (1)(a) Any adult or juvenile residing whether or not the person has
35 a fixed residence, or who is a student, is employed, or carries on a
36 vocation in this state who has been found to have committed or has been
37 convicted of any sex offense or kidnapping offense, or who has been

1 found not guilty by reason of insanity under chapter 10.77 RCW of
2 committing any sex offense or kidnapping offense, shall register with
3 the county sheriff for the county of the person's residence, or if the
4 person is not a resident of Washington, the county of the person's
5 school, or place of employment or vocation, or as otherwise specified
6 in this section. Where a person required to register under this
7 section is in custody of the state department of corrections, the state
8 department of social and health services, a local division of youth
9 services, or a local jail or juvenile detention facility as a result of
10 a sex offense or kidnapping offense, the person shall also register at
11 the time of release from custody with an official designated by the
12 agency that has jurisdiction over the person.

13 (b) Any adult or juvenile who is required to register under (a) of
14 this subsection:

15 (i) Who is attending, or planning to attend, a public or private
16 school regulated under Title 28A RCW or chapter 72.40 RCW shall, within
17 ten days of enrolling or prior to arriving at the school to attend
18 classes, whichever is earlier, notify the sheriff for the county of the
19 person's residence of the person's intent to attend the school, and the
20 sheriff shall promptly notify the principal of the school;

21 (ii) Who is admitted to a public or private institution of higher
22 education shall, within ten days of enrolling or by the first business
23 day after arriving at the institution, whichever is earlier, notify the
24 sheriff for the county of the person's residence of the person's intent
25 to attend the institution;

26 (iii) Who gains employment at a public or private institution of
27 higher education shall, within ten days of accepting employment or by
28 the first business day after commencing work at the institution,
29 whichever is earlier, notify the sheriff for the county of the person's
30 residence of the person's employment by the institution; or

31 (iv) Whose enrollment or employment at a public or private
32 institution of higher education is terminated shall, within ten days of
33 such termination, notify the sheriff for the county of the person's
34 residence of the person's termination of enrollment or employment at
35 the institution.

36 (c) Persons required to register under this section who are
37 enrolled in a public or private institution of higher education on June

1 11, 1998, or a public or private school regulated under Title 28A RCW
2 or chapter 72.40 RCW on September 1, 2006, must notify the county
3 sheriff immediately.

4 (d) The sheriff shall notify the school's principal or
5 institution's department of public safety and shall provide that
6 department with the same information provided to a county sheriff under
7 subsection (3) of this section.

8 (e)(i) A principal receiving notice under this subsection must
9 disclose the information received from the sheriff under (b) of this
10 subsection as follows:

11 (A) If the student who is required to register as a sex offender is
12 classified as a risk level II or III, the principal shall provide the
13 information received to every teacher of any student required to
14 register under (a) of this subsection and to any other personnel who,
15 in the judgment of the principal, supervises the student or for
16 security purposes should be aware of the student's record;

17 (B) If the student who is required to register as a sex offender is
18 classified as a risk level I, the principal shall provide the
19 information received only to personnel who, in the judgment of the
20 principal, for security purposes should be aware of the student's
21 record.

22 (ii) Any information received by a principal or school personnel
23 under this subsection is confidential and may not be further
24 disseminated except as provided in RCW 28A.225.330, other statutes or
25 case law, and the family and educational and privacy rights act of
26 1994, 20 U.S.C. Sec. 1232g et seq.

27 (2) This section may not be construed to confer any powers pursuant
28 to RCW (~~4.24.500~~) 4.24.550 upon the public safety department of any
29 public or private school or institution of higher education.

30 (3)(a) The person shall provide the following information when
31 registering: (i) Name; (ii) address; (iii) date and place of birth;
32 (iv) place of employment; (v) crime for which convicted; (vi) date and
33 place of conviction; (vii) aliases used; (viii) social security number;
34 (ix) photograph; and (x) fingerprints.

35 (b) Any person who lacks a fixed residence shall provide the
36 following information when registering: (i) Name; (ii) date and place
37 of birth; (iii) place of employment; (iv) crime for which convicted;

1 (v) date and place of conviction; (vi) aliases used; (vii) social
2 security number; (viii) photograph; (ix) fingerprints; and (x) where he
3 or she plans to stay.

4 (4)(a) Offenders shall register with the county sheriff within the
5 following deadlines. For purposes of this section the term
6 "conviction" refers to adult convictions and juvenile adjudications for
7 sex offenses or kidnapping offenses:

8 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
9 offense on, before, or after February 28, 1990, and who, on or after
10 July 28, 1991, are in custody, as a result of that offense, of the
11 state department of corrections, the state department of social and
12 health services, a local division of youth services, or a local jail or
13 juvenile detention facility, and (B) kidnapping offenders who on or
14 after July 27, 1997, are in custody of the state department of
15 corrections, the state department of social and health services, a
16 local division of youth services, or a local jail or juvenile detention
17 facility, must register at the time of release from custody with an
18 official designated by the agency that has jurisdiction over the
19 offender. The agency shall within three days forward the registration
20 information to the county sheriff for the county of the offender's
21 anticipated residence. The offender must also register within twenty-
22 four hours from the time of release with the county sheriff for the
23 county of the person's residence, or if the person is not a resident of
24 Washington, the county of the person's school, or place of employment
25 or vocation. The agency that has jurisdiction over the offender shall
26 provide notice to the offender of the duty to register. Failure to
27 register at the time of release and within twenty-four hours of release
28 constitutes a violation of this section and is punishable as provided
29 in subsection (~~((+10+))~~) (11) of this section.

30 When the agency with jurisdiction intends to release an offender
31 with a duty to register under this section, and the agency has
32 knowledge that the offender is eligible for developmental disability
33 services from the department of social and health services, the agency
34 shall notify the division of developmental disabilities of the release.
35 Notice shall occur not more than thirty days before the offender is to
36 be released. The agency and the division shall assist the offender in
37 meeting the initial registration requirement under this section.

1 Failure to provide such assistance shall not constitute a defense for
2 any violation of this section.

3 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
4 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
5 but are under the jurisdiction of the indeterminate sentence review
6 board or under the department of corrections' active supervision, as
7 defined by the department of corrections, the state department of
8 social and health services, or a local division of youth services, for
9 sex offenses committed before, on, or after February 28, 1990, must
10 register within ten days of July 28, 1991. Kidnapping offenders who,
11 on July 27, 1997, are not in custody but are under the jurisdiction of
12 the indeterminate sentence review board or under the department of
13 corrections' active supervision, as defined by the department of
14 corrections, the state department of social and health services, or a
15 local division of youth services, for kidnapping offenses committed
16 before, on, or after July 27, 1997, must register within ten days of
17 July 27, 1997. A change in supervision status of a sex offender who
18 was required to register under this subsection (4)(a)(ii) as of July
19 28, 1991, or a kidnapping offender required to register as of July 27,
20 1997, shall not relieve the offender of the duty to register or to
21 reregister following a change in residence. The obligation to register
22 shall only cease pursuant to RCW 9A.44.140.

23 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
24 or after July 23, 1995, and kidnapping offenders who, on or after July
25 27, 1997, as a result of that offense are in the custody of the United
26 States bureau of prisons or other federal or military correctional
27 agency for sex offenses committed before, on, or after February 28,
28 1990, or kidnapping offenses committed on, before, or after July 27,
29 1997, must register within twenty-four hours from the time of release
30 with the county sheriff for the county of the person's residence, or if
31 the person is not a resident of Washington, the county of the person's
32 school, or place of employment or vocation. Sex offenders who, on July
33 23, 1995, are not in custody but are under the jurisdiction of the
34 United States bureau of prisons, United States courts, United States
35 parole commission, or military parole board for sex offenses committed
36 before, on, or after February 28, 1990, must register within ten days
37 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
38 in custody but are under the jurisdiction of the United States bureau

1 of prisons, United States courts, United States parole commission, or
2 military parole board for kidnapping offenses committed before, on, or
3 after July 27, 1997, must register within ten days of July 27, 1997.
4 A change in supervision status of a sex offender who was required to
5 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
6 kidnapping offender required to register as of July 27, 1997 shall not
7 relieve the offender of the duty to register or to reregister following
8 a change in residence, or if the person is not a resident of
9 Washington, the county of the person's school, or place of employment
10 or vocation. The obligation to register shall only cease pursuant to
11 RCW 9A.44.140.

12 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
13 who are convicted of a sex offense on or after July 28, 1991, for a sex
14 offense that was committed on or after February 28, 1990, and
15 kidnapping offenders who are convicted on or after July 27, 1997, for
16 a kidnapping offense that was committed on or after July 27, 1997, but
17 who are not sentenced to serve a term of confinement immediately upon
18 sentencing, shall report to the county sheriff to register immediately
19 upon completion of being sentenced.

20 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
21 RESIDENTS. Sex offenders and kidnapping offenders who move to
22 Washington state from another state or a foreign country that are not
23 under the jurisdiction of the state department of corrections, the
24 indeterminate sentence review board, or the state department of social
25 and health services at the time of moving to Washington, must register
26 within thirty days of establishing residence or reestablishing
27 residence if the person is a former Washington resident. The duty to
28 register under this subsection applies to sex offenders convicted under
29 the laws of another state or a foreign country, federal or military
30 statutes, or Washington state for offenses committed on or after
31 February 28, 1990, and to kidnapping offenders convicted under the laws
32 of another state or a foreign country, federal or military statutes, or
33 Washington state for offenses committed on or after July 27, 1997. Sex
34 offenders and kidnapping offenders from other states or a foreign
35 country who, when they move to Washington, are under the jurisdiction
36 of the department of corrections, the indeterminate sentence review
37 board, or the department of social and health services must register

1 within twenty-four hours of moving to Washington. The agency that has
2 jurisdiction over the offender shall notify the offender of the
3 registration requirements before the offender moves to Washington.

4 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
5 or juvenile who has been found not guilty by reason of insanity under
6 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
7 February 28, 1990, and who, on or after July 23, 1995, is in custody,
8 as a result of that finding, of the state department of social and
9 health services, or (B) committing a kidnapping offense on, before, or
10 after July 27, 1997, and who on or after July 27, 1997, is in custody,
11 as a result of that finding, of the state department of social and
12 health services, must register within twenty-four hours from the time
13 of release with the county sheriff for the county of the person's
14 residence. The state department of social and health services shall
15 provide notice to the adult or juvenile in its custody of the duty to
16 register. Any adult or juvenile who has been found not guilty by
17 reason of insanity of committing a sex offense on, before, or after
18 February 28, 1990, but who was released before July 23, 1995, or any
19 adult or juvenile who has been found not guilty by reason of insanity
20 of committing a kidnapping offense but who was released before July 27,
21 1997, shall be required to register within twenty-four hours of
22 receiving notice of this registration requirement. The state
23 department of social and health services shall make reasonable attempts
24 within available resources to notify sex offenders who were released
25 before July 23, 1995, and kidnapping offenders who were released before
26 July 27, 1997. Failure to register within twenty-four hours of
27 release, or of receiving notice, constitutes a violation of this
28 section and is punishable as provided in subsection (~~(10)~~) (11) of
29 this section.

30 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
31 a fixed residence and leaves the county in which he or she is
32 registered and enters and remains within a new county for twenty-four
33 hours is required to register with the county sheriff not more than
34 twenty-four hours after entering the county and provide the information
35 required in subsection (3)(b) of this section.

36 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
37 SUPERVISION. Offenders who lack a fixed residence and who are under

1 the supervision of the department shall register in the county of their
2 supervision.

3 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
4 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,
5 who move to another state, or who work, carry on a vocation, or attend
6 school in another state shall register a new address, fingerprints, and
7 photograph with the new state within ten days after establishing
8 residence, or after beginning to work, carry on a vocation, or attend
9 school in the new state. The person must also send written notice
10 within ten days of moving to the new state or to a foreign country to
11 the county sheriff with whom the person last registered in Washington
12 state. The county sheriff shall promptly forward this information to
13 the Washington state patrol.

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

19 (c) An arrest on charges of failure to register, service of an
20 information, or a complaint for a violation of this section, or
21 arraignment on charges for a violation of this section, constitutes
22 actual notice of the duty to register. Any person charged with the
23 crime of failure to register under this section who asserts as a
24 defense the lack of notice of the duty to register shall register
25 immediately following actual notice of the duty through arrest,
26 service, or arraignment. Failure to register as required under this
27 subsection (4)(c) constitutes grounds for filing another charge of
28 failing to register. Registering following arrest, service, or
29 arraignment on charges shall not relieve the offender from criminal
30 liability for failure to register prior to the filing of the original
31 charge.

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

35 (5)(a) If any person required to register pursuant to this section
36 changes his or her residence address within the same county, the person
37 must send written notice of the change of address to the county sheriff
38 within seventy-two hours of moving. If any person required to register

1 pursuant to this section moves to a new county, the person must send
2 written notice of the change of address at least fourteen days before
3 moving to the county sheriff in the new county of residence and must
4 register with that county sheriff within twenty-four hours of moving.
5 The person must also send written notice within ten days of the change
6 of address in the new county to the county sheriff with whom the person
7 last registered. The county sheriff with whom the person last
8 registered shall promptly forward the information concerning the change
9 of address to the county sheriff for the county of the person's new
10 residence. Upon receipt of notice of change of address to a new state,
11 the county sheriff shall promptly forward the information regarding the
12 change of address to the agency designated by the new state as the
13 state's offender registration agency.

14 (b) It is an affirmative defense to a charge that the person failed
15 to send a notice at least fourteen days in advance of moving as
16 required under (a) of this subsection that the person did not know the
17 location of his or her new residence at least fourteen days before
18 moving. The defendant must establish the defense by a preponderance of
19 the evidence and, to prevail on the defense, must also prove by a
20 preponderance that the defendant sent the required notice within
21 twenty-four hours of determining the new address.

22 (6)(a) Any person required to register under this section who lacks
23 a fixed residence shall provide written notice to the sheriff of the
24 county where he or she last registered within forty-eight hours
25 excluding weekends and holidays after ceasing to have a fixed
26 residence. The notice shall include the information required by
27 subsection (3)(b) of this section, except the photograph and
28 fingerprints. The county sheriff may, for reasonable cause, require
29 the offender to provide a photograph and fingerprints. The sheriff
30 shall forward this information to the sheriff of the county in which
31 the person intends to reside, if the person intends to reside in
32 another county.

33 (b) A person who lacks a fixed residence must report weekly, in
34 person, to the sheriff of the county where he or she is registered.
35 The weekly report shall be on a day specified by the county sheriff's
36 office, and shall occur during normal business hours. The county
37 sheriff's office may require the person to list the locations where the
38 person has stayed during the last seven days. The lack of a fixed

1 residence is a factor that may be considered in determining an
2 offender's risk level and shall make the offender subject to disclosure
3 of information to the public at large pursuant to RCW 4.24.550.

4 (c) If any person required to register pursuant to this section
5 does not have a fixed residence, it is an affirmative defense to the
6 charge of failure to register, that he or she provided written notice
7 to the sheriff of the county where he or she last registered within
8 forty-eight hours excluding weekends and holidays after ceasing to have
9 a fixed residence and has subsequently complied with the requirements
10 of subsections (4)(a)(vii) or (viii) and (6) of this section. To
11 prevail, the person must prove the defense by a preponderance of the
12 evidence.

13 (7) All offenders who are required to register pursuant to this
14 section who have a fixed residence and who are designated as a risk
15 level II or III must report, in person, every ninety days to the
16 sheriff of the county where he or she is registered. Reporting shall
17 be on a day specified by the county sheriff's office, and shall occur
18 during normal business hours. An offender who complies with the
19 ninety-day reporting requirement with no violations for a period of at
20 least five years in the community may petition the superior court to be
21 relieved of the duty to report every ninety days. The petition shall
22 be made to the superior court in the county where the offender resides
23 or reports under this section. The prosecuting attorney of the county
24 shall be named and served as respondent in any such petition. The court
25 shall relieve the petitioner of the duty to report if the petitioner
26 shows, by a preponderance of the evidence, that the petitioner has
27 complied with the reporting requirement for a period of at least five
28 years and that the offender has not been convicted of a criminal
29 violation of this section for a period of at least five years, and the
30 court determines that the reporting no longer serves a public safety
31 purpose. Failure to report, as specified, constitutes a violation of
32 this section and is punishable as provided in subsection (11) of this
33 section.

34 (8) A sex offender subject to registration requirements under this
35 section who applies to change his or her name under RCW 4.24.130 or any
36 other law shall submit a copy of the application to the county sheriff
37 of the county of the person's residence and to the state patrol not
38 fewer than five days before the entry of an order granting the name

1 change. No sex offender under the requirement to register under this
2 section at the time of application shall be granted an order changing
3 his or her name if the court finds that doing so will interfere with
4 legitimate law enforcement interests, except that no order shall be
5 denied when the name change is requested for religious or legitimate
6 cultural reasons or in recognition of marriage or dissolution of
7 marriage. A sex offender under the requirement to register under this
8 section who receives an order changing his or her name shall submit a
9 copy of the order to the county sheriff of the county of the person's
10 residence and to the state patrol within five days of the entry of the
11 order.

12 ~~((+8))~~ (9) The county sheriff shall obtain a photograph of the
13 individual and shall obtain a copy of the individual's fingerprints.
14 A photograph may be taken at any time to update an individual's file.

15 ~~((+9))~~ (10) For the purpose of RCW 9A.44.130, 10.01.200,
16 43.43.540, 70.48.470, and 72.09.330:

17 (a) "Sex offense" means:

18 (i) Any offense defined as a sex offense by RCW 9.94A.030;

19 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
20 minor in the second degree);

21 (iii) Any violation under RCW 9.68A.090 (communication with a minor
22 for immoral purposes);

23 (iv) Any federal or out-of-state conviction for an offense that
24 under the laws of this state would be classified as a sex offense under
25 this subsection; and

26 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
27 criminal attempt, criminal solicitation, or criminal conspiracy to
28 commit an offense that is classified as a sex offense under RCW
29 9.94A.030 or this subsection.

30 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
31 the first degree, kidnapping in the second degree, and unlawful
32 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
33 minor and the offender is not the minor's parent; (ii) any offense that
34 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
35 or criminal conspiracy to commit an offense that is classified as a
36 kidnapping offense under this subsection ~~((+9))~~ (10)(b); and (iii) any
37 federal or out-of-state conviction for an offense that under the laws

1 of this state would be classified as a kidnapping offense under this
2 subsection (~~(9)~~) (10)(b).

3 (c) "Employed" or "carries on a vocation" means employment that is
4 full-time or part-time for a period of time exceeding fourteen days, or
5 for an aggregate period of time exceeding thirty days during any
6 calendar year. A person is employed or carries on a vocation whether
7 the person's employment is financially compensated, volunteered, or for
8 the purpose of government or educational benefit.

9 (d) "Student" means a person who is enrolled, on a full-time or
10 part-time basis, in any public or private educational institution. An
11 educational institution includes any secondary school, trade or
12 professional institution, or institution of higher education.

13 (~~(10)~~) (11)(a) A person who knowingly fails to register with the
14 county sheriff or notify the county sheriff, or who changes his or her
15 name without notifying the county sheriff and the state patrol, as
16 required by this section is guilty of a class C felony if the crime for
17 which the individual was convicted was a felony sex offense as defined
18 in subsection (~~(9)~~) (10)(a) of this section or a federal or out-of-
19 state conviction for an offense that under the laws of this state would
20 be a felony sex offense as defined in subsection (~~(9)~~) (10)(a) of
21 this section.

22 (b) If the crime for which the individual was convicted was other
23 than a felony or a federal or out-of-state conviction for an offense
24 that under the laws of this state would be other than a felony,
25 violation of this section is a gross misdemeanor.

26 (~~(11)~~) (12)(a) A person who knowingly fails to register or who
27 moves within the state without notifying the county sheriff as required
28 by this section is guilty of a class C felony if the crime for which
29 the individual was convicted was a felony kidnapping offense as defined
30 in subsection (~~(9)~~) (10)(b) of this section or a federal or out-of-
31 state conviction for an offense that under the laws of this state would
32 be a felony kidnapping offense as defined in subsection (~~(9)~~) (10)(b)
33 of this section.

34 (b) If the crime for which the individual was convicted was other
35 than a felony or a federal or out-of-state conviction for an offense
36 that under the laws of this state would be other than a felony,
37 violation of this section is a gross misdemeanor.

1 (~~(12)~~) (13) Except as may otherwise be provided by law, nothing
2 in this section shall impose any liability upon a peace officer,
3 including a county sheriff, or law enforcement agency, for failing to
4 release information authorized under this section.

5 NEW SECTION. **Sec. 3.** Section 1 of this act expires September 1,
6 2006.

7 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect September
8 1, 2006.

Passed by the Senate March 8, 2006.

Passed by the House March 7, 2006.

Approved by the Governor March 20, 2006.

Filed in Office of Secretary of State March 20, 2006.