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HOUSE BILL 1997

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Tate, Riley, Padden, Hargrove, Mielke, Ludwig, Bowman, Dorn, Ferguson, Paris, D. Sommers, Vance, Forner, Scott, Winsley, Kremen, Broback, Brough, Roland, Jacobsen, Holland, Horn, Wynne, Morton, R. Johnson, Van Luven, Chandler, P. Johnson, Brumsickle, Silver and Rasmussen.

Read first time February 18, 1991. Referred to Committee on Judiciary.

1            AN ACT Relating to sex offender registration; amending RCW  
2 9A.44.130; creating a new section; and prescribing penalties.

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

4            NEW SECTION.    **Sec. 1.**            The legislature finds that sex offender  
5 registration has assisted law enforcement agencies in protecting their  
6 communities. This act is intended to clarify and amend the deadlines  
7 for sex offenders to register. This act's clarification or amendment  
8 of RCW 9A.44.130 does not relieve the obligation of sex offenders to  
9 comply with the registration requirements of RCW 9A.44.130 as that  
10 statute exists before the effective date of this act.

11            **Sec. 2.** RCW 9A.44.130 and 1990 c 3 s 402 are each amended to read  
12 as follows:

13            (1) Any adult or juvenile residing in this state who has been found  
14 to have committed or has been convicted of any sex offense shall

1 register with the county sheriff for the county of the person's  
2 residence and with the state department of corrections, the state  
3 department of social and health services, a local division of youth  
4 services in charge of juveniles under county jurisdiction, or the  
5 county jail or juvenile detention facility, as appropriate, as provided  
6 in subsection (3) of this section.

7 (2) The person shall ~~((, within forty five days of establishing~~  
8 ~~residence in Washington, or if a current resident within thirty days of~~  
9 ~~release from confinement, if any,))~~ provide ~~((the county sheriff with))~~  
10 the following information when registering: (a) Name; (b) address; (c)  
11 place of employment; (d) crime for which convicted; (e) date and place  
12 of conviction; (f) aliases used; and (g) social security number. If  
13 the person is in custody when registering, the person shall provide the  
14 address and the county of residence where the person will reside upon  
15 release from confinement.

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:

19 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who were convicted of  
20 a sex offense on, before, or after February 28, 1990, and who, on or  
21 after the effective date of this act, are in the custody of the state  
22 department of corrections, the state department of social and health  
23 services, a local division of youth services, or a local jail or  
24 juvenile detention facility, must register prior to being released from  
25 confinement. The agency that has custody of the sex offender shall  
26 obtain the information required to be provided under subsection (2) of  
27 this section, and shall obtain the person's photograph and fingerprints  
28 prior to release. The agency shall forward the registration,  
29 photographs, and fingerprints to the state patrol and the county  
30 sheriff of the county where the sex offender states he or she will

1 reside upon release. Upon release from custody, the sex offender shall  
2 report to the sheriff of the county where the sex offender said he or  
3 she will reside upon release within twenty-four hours from the date of  
4 release to reregister with the county sheriff. The agency shall  
5 provide notice to the sex offender of the duty to reregister. The  
6 county sheriff may use the forwarded registration materials for  
7 registration. Failure to reregister within twenty-four hours of  
8 release constitutes a violation of this section and is punishable as  
9 provided in subsection (7) of this section.

10 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
11 JURISDICTION. Sex offenders, who, on the effective date of this act,  
12 are not in custody but are under the jurisdiction of the state  
13 department of corrections, the indeterminate sentence review board, the  
14 state department of social and health services, or a local division of  
15 youth services, for sex offenses committed before, on, or after  
16 February 28, 1990, must register within ten days of the effective date  
17 of this act. The agency that has jurisdiction over the offender shall  
18 provide notice of the duty to register to the sex offender.

19 (iii) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex  
20 offenders who are convicted of a sex offense on or after the effective  
21 date of this act for a sex offense that was committed on or after  
22 February 28, 1990, but who are not sentenced to serve a term of  
23 confinement immediately upon sentencing, shall report to the county  
24 sheriff to register immediately upon completion of being sentenced.

25 (iv) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
26 RESIDENTS. Sex offenders who move to Washington state from another  
27 state that are not under the jurisdiction of the state department of  
28 corrections, the indeterminate sentence review board, or the state  
29 department of social and health services at the time of moving to  
30 Washington, must register within thirty days of establishing residence

1 or reestablishing residence if the person is a former Washington  
2 resident. The duty to register under this subsection applies to sex  
3 offenders convicted under the laws of another state, federal statutes,  
4 or Washington state for offenses committed on or after February 28,  
5 1990. Sex offenders from other states who, when they move to  
6 Washington, are under the jurisdiction of the department of  
7 corrections, the indeterminate sentence review board, or the department  
8 of social and health services must register within three days of moving  
9 to Washington. The agency that has jurisdiction over the offender  
10 shall notify the offender of the registration requirements before the  
11 offender moves to Washington.

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

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

28 (d) The deadlines for the duty to register under this section do  
29 not relieve any sex offender of the duty to register under this section  
30 as it existed prior to the effective date of this act.

1       (4) If any person required to register pursuant to this section  
2 changes his or her residence address within the same county, the person  
3 must send written notice of the change of address to the county sheriff  
4 within ten days of establishing the new residence. If any person  
5 required to register pursuant to this section moves to a new county,  
6 the person must register with the county sheriff in the new county  
7 within ten days of establishing the new residence. The person must  
8 also send written notice within ten days of the change of address in  
9 the new county to the county sheriff with whom the person last  
10 registered.

11       ~~((4))~~ (5) The county sheriff shall obtain a photograph of the  
12 individual and shall obtain a copy of the individual's fingerprints.

13       ~~((5))~~ (6) "Sex offense" for the purpose of RCW 9A.44.130,  
14 10.01.200, 43.43.540, 70.48.470, and 72.09.330 means any offense  
15 defined as a sex offense by RCW 9.94A.030(~~(:~~

16       ~~(a) Committed on or after February 28, 1990; or~~

17       ~~(b) Committed prior to February 28, 1990, if the person, as a~~  
18 ~~result of the offense, is under the custody or active supervision of~~  
19 ~~the department of corrections or the department of social and health~~  
20 ~~services on or after February 28, 1990)).~~

21       ~~((6))~~ (7) A person who knowingly fails to register as required by  
22 this section is guilty of a class C felony if the crime for which the  
23 individual was convicted was a class A felony or a federal or out-of-  
24 state conviction for an offense that under the laws of this state would  
25 be a class A felony. If the crime was other than a class A felony or  
26 a federal or out-of-state conviction for an offense that under the laws  
27 of this state would be a class A felony, violation of this section is  
28 a gross misdemeanor.