

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1997

52nd Legislature
1991 Regular Session

Passed by the House March 13, 1991
Yeas 97 Nays 1

**Speaker of the
House of Representatives**

Passed by the Senate April 15, 1991
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1997** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1997

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Judiciary (originally sponsored 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 March 5, 1991.

1 AN ACT Relating to sex offender registration; amending RCW
2 9A.44.130 and 9A.44.140; creating new sections; and prescribing
3 penalties.

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

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

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

1 (1) Any adult or juvenile residing in this state who has been found
2 to have committed or has been convicted of any sex offense shall
3 register with the county sheriff for the county of the person's
4 residence.

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

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

15 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex
16 offense on, before, or after February 28, 1990, and who, on or after
17 the effective date of this act, are in custody, as a result of that
18 offense, of the state department of corrections, the state department
19 of social and health services, a local division of youth services, or
20 a local jail or juvenile detention facility, must register within
21 twenty-four hours from the time of release with the county sheriff for
22 the county of the person's residence. The agency that has jurisdiction
23 over the offender shall provide notice to the sex offender of the duty
24 to register. Failure to register within twenty-four hours of release
25 constitutes a violation of this section and is punishable as provided
26 in subsection (7) of this section.

27 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
28 JURISDICTION. Sex offenders, who, on the effective date of this act,
29 are not in custody but are under the jurisdiction of the indeterminate
30 sentence review board or under the active supervision of the state

1 department of corrections, the state department of social and health
2 services, or a local division of youth services, for sex offenses
3 committed before, on, or after February 28, 1990, must register within
4 ten days of the effective date of this act.

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

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

28 (b) Failure to register within the time required under this section
29 constitutes a per se violation of this section and is punishable as
30 provided in subsection (7) of this section. The county sheriff shall

1 not be required to determine whether the person is living within the
2 county.

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

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

18 (4) If any person required to register pursuant to this section
19 changes his or her residence address within the same county, the person
20 must send written notice of the change of address to the county sheriff
21 within ten days of establishing the new residence. If any person
22 required to register pursuant to this section moves to a new county,
23 the person must register with the county sheriff in the new county
24 within ten days of establishing the new residence. The person must
25 also send written notice within ten days of the change of address in
26 the new county to the county sheriff with whom the person last
27 registered.

28 ((+4)) (5) The county sheriff shall obtain a photograph of the
29 individual and shall obtain a copy of the individual's fingerprints.

1 (~~(5)~~) (6) "Sex offense" for the purpose of RCW 9A.44.130,
2 10.01.200, 43.43.540, 70.48.470, and 72.09.330 means any offense
3 defined as a sex offense by RCW 9.94A.030(~~(:~~

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

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

9 (~~(6)~~) (7) A person who knowingly fails to register as required by
10 this section is guilty of a class C felony if the crime for which the
11 individual was convicted was a class A felony or a federal or out-of-
12 state conviction for an offense that under the laws of this state would
13 be a class A felony. If the crime was other than a class A felony or
14 a federal or out-of-state conviction for an offense that under the laws
15 of this state would be a class A felony, violation of this section is
16 a gross misdemeanor.

17 **Sec. 3.** RCW 9A.44.140 and 1990 c 3 s 408 are each amended to read
18 as follows:

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

20 (a) For a person convicted of a class A felony: Such person may
21 only be relieved of the duty to register under subsection (2) or (3) of
22 this section.

23 (b) For a person convicted of a class B felony: Fifteen years
24 after the last date of release from confinement, if any, (including
25 full-time residential treatment) pursuant to the conviction, or entry
26 of the judgment and sentence, if the person has spent fifteen
27 consecutive years in the community without being convicted of any new
28 offenses.

1 (c) For a person convicted of a class C felony: Ten years after
2 the last date of release from confinement, if any, (including full-time
3 residential treatment) pursuant to the conviction, or entry of the
4 judgment and sentence, if the person has spent ten consecutive years in
5 the community without being convicted of any new offenses.

6 (2) Any person having a duty to register under RCW 9A.44.130 may
7 petition the superior court to be relieved of that duty. The petition
8 shall be made to the court in which the petitioner was convicted of the
9 offense that subjects him or her to the duty to register, or, in the
10 case of convictions in other states, to the court in Thurston county.
11 The prosecuting attorney of the county shall be named and served as the
12 respondent in any such petition. The court shall consider the nature
13 of the registrable offense committed, and the criminal and relevant
14 noncriminal behavior of the petitioner both before and after
15 conviction, and may consider other factors. Except as provided in
16 subsection (3) of this section, the court may relieve the petitioner of
17 the duty to register only if the petitioner shows, with clear and
18 convincing evidence, that future registration of the petitioner will
19 not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540,
20 46.20.187, 70.48.470, and 72.09.330.

21 (3) An offender having a duty to register under RCW 9A.44.130 for
22 a sex offense committed when the offender was a juvenile may petition
23 the superior court to be relieved of that duty. The court shall
24 consider the nature of the registrable offense committed, and the
25 criminal and relevant noncriminal behavior of the petitioner both
26 before and after adjudication, and may consider other factors. The
27 court may relieve the petitioner of the duty to register for a sex
28 offense that was committed while the petitioner was fifteen years of
29 age or older only if the petitioner shows, with clear and convincing
30 evidence, that future registration of the petitioner will not serve the

1 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,
2 and 72.09.330. The court may relieve the petitioner of the duty to
3 register for a sex offense that was committed while the petitioner was
4 under the age of fifteen if the petitioner (a) has not been adjudicated
5 of any additional sex offenses during the twenty-four months following
6 the adjudication for the sex offense giving rise to the duty to
7 register, and (b) the petitioner proves by a preponderance of the
8 evidence that future registration of the petitioner will not serve the
9 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,
10 and 72.09.330.

11 (4) Unless relieved of the duty to register pursuant to this
12 section, a violation of RCW 9A.44.130 is an ongoing offense for
13 purposes of the statute of limitations under RCW 9A.04.080.

14 ((4)) (5) Nothing in RCW 9.94A.220 relating to discharge of an
15 offender shall be construed as operating to relieve the offender of his
16 or her duty to register pursuant to RCW 9A.44.130.

17 NEW SECTION. Sec. 4. If specific funding for the purposes of
18 this act, referencing this act by bill number, is not provided by June
19 30, 1991, in the omnibus appropriations act, this act shall be null and
20 void.