
SUBSTITUTE HOUSE BILL 1214

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Mitchell, Carrell, Lambert, Sheahan, McMahan, Huff, Buck, Hickel, Padden, Elliot, Delvin, Kremen, Johnson, Casada, Thompson, Backlund, Honeyford, Mulliken, Boldt and Van Luven)

Read first time 02/28/95.

1 AN ACT Relating to registration of sex offenders; and amending RCW
2 9A.44.130 and 9A.44.140.

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

4 **Sec. 1.** RCW 9A.44.130 and 1994 c 84 s 2 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 shall
8 register with the county sheriff for the county of the person's
9 residence.

10 (2) The person shall provide the county sheriff with the following
11 information when registering: (a) Name; (b) address; (c) date and
12 place of birth; (d) place of employment; (e) crime for which convicted;
13 (f) date and place of conviction; (g) aliases used; and (h) social
14 security number.

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

18 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex
19 offense on, before, or after February 28, 1990, and who, on or after

1 July 28, 1991, are in custody, as a result of that offense, of the
2 state department of corrections, the state department of social and
3 health services, a local division of youth services, or a local jail or
4 juvenile detention facility, must register within twenty-four hours
5 from the time of release with the county sheriff for the county of the
6 person's residence. The agency that has jurisdiction over the offender
7 shall provide notice to the sex offender of the duty to register.
8 Failure to register within twenty-four hours of release constitutes a
9 violation of this section and is punishable as provided in subsection
10 (7) of this section.

11 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
12 JURISDICTION. Sex offenders, who, on July 28, 1991, are not in custody
13 but are under the jurisdiction of the indeterminate sentence review
14 board or under the department of correction's active supervision, as
15 defined by the department of corrections, the state department of
16 social and health services, or a local division of youth services, for
17 sex offenses committed before, on, or after February 28, 1990, must
18 register within ten days of July 28, 1991. A change in supervision
19 status of a sex offender who was required to register under this
20 subsection (3)(a)(ii) as of July 28, 1991, shall not relieve the
21 offender of the duty to register or to reregister following a change in
22 residence. The obligation to register shall only cease pursuant to RCW
23 9A.44.140.

24 (iii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER FEDERAL JURISDICTION.
25 Sex offenders who, on July 23, 1995, are not in custody but are under
26 the jurisdiction of the United States probation service's active
27 supervision, as defined by the United States probation service, for sex
28 offenses committed before, on, or after February 28, 1990, must
29 register within ten days of July 23, 1995. A change in supervision
30 status of a sex offender who was required to register under this
31 subsection (3)(a)(iii) as of July 23, 1995, shall not relieve the
32 offender of the duty to register or to reregister following a change in
33 residence. The obligation to register shall only cease pursuant to RCW
34 9A.44.140.

35 (iv) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex
36 offenders who are convicted of a sex offense on or after July 28, 1991,
37 for a sex offense that was committed on or after February 28, 1990, but
38 who are not sentenced to serve a term of confinement immediately upon

1 sentencing, shall report to the county sheriff to register immediately
2 upon completion of being sentenced.

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

22 (b) Failure to register within the time required under this section
23 constitutes a per se violation of this section and is punishable as
24 provided in subsection (7) of this section. The county sheriff shall
25 not be required to determine whether the person is living within the
26 county.

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

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

4 (4) If any person required to register pursuant to this section
5 changes his or her residence address within the same county, the person
6 must send written notice of the change of address to the county sheriff
7 within ten days of ~~((establishing the new residence))~~ moving. If any
8 person required to register pursuant to this section moves to a new
9 county, the person must register with the county sheriff in the new
10 county within ten days of ~~((establishing the new residence))~~ moving.
11 The person must also send written notice within ten days of the change
12 of address in the new county to the county sheriff with whom the person
13 last registered. If any person required to register pursuant to this
14 section moves out of Washington state, the person must also send
15 written notice within ten days of moving to the new state or a foreign
16 country to the county sheriff with whom the person last registered in
17 Washington state.

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

20 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,
21 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex
22 offense by RCW 9.94A.030.

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

32 **Sec. 2.** RCW 9A.44.140 and 1991 c 274 s 3 are each amended to read
33 as follows:

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

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

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

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

12 (2) Any person having a duty to register under RCW 9A.44.130 may
13 petition the superior court to be relieved of that duty. The petition
14 shall be made to the court in which the petitioner was convicted of the
15 offense that subjects him or her to the duty to register, or, in the
16 case of convictions in other states or a foreign country, to the court
17 in Thurston county. The prosecuting attorney of the county shall be
18 named and served as the respondent in any such petition. The court
19 shall consider the nature of the registrable offense committed, and the
20 criminal and relevant noncriminal behavior of the petitioner both
21 before and after conviction, and may consider other factors. Except as
22 provided in subsection (3) of this section, the court may relieve the
23 petitioner of the duty to register only if the petitioner shows, with
24 clear and convincing evidence, that future registration of the
25 petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
26 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

27 (3) An offender having a duty to register under RCW 9A.44.130 for
28 a sex offense committed when the offender was a juvenile may petition
29 the superior court to be relieved of that duty. The court shall
30 consider the nature of the registrable offense committed, and the
31 criminal and relevant noncriminal behavior of the petitioner both
32 before and after adjudication, and may consider other factors. The
33 court may relieve the petitioner of the duty to register for a sex
34 offense that was committed while the petitioner was fifteen years of
35 age or older only if the petitioner shows, with clear and convincing
36 evidence, that future registration of the petitioner will not serve the
37 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,
38 and 72.09.330. The court may relieve the petitioner of the duty to
39 register for a sex offense that was committed while the petitioner was

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

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

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

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