
SENATE BILL 6603

State of Washington

54th Legislature

1996 Regular Session

By Senators Long, Hargrove, Roach, Franklin, Thibaudeau, Zarelli, Schow, Prentice, Kohl, Oke, Winsley, Rasmussen and Haugen

Read first time 01/19/96. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to registration and notification of offenders who
2 commit crimes against children; amending RCW 4.24.550; adding new
3 sections to chapter 9.94A RCW; creating a new section; and prescribing
4 penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that offenders who
7 commit crimes against children pose a substantial threat to the well-
8 being of our communities. Child victims are especially vulnerable and
9 unable to protect themselves from adult perpetrators. The legislature
10 further finds that requiring sex offenders to register has assisted law
11 enforcement agencies in protecting their communities. Similar
12 registration requirements for offenders who pose a potential threat to
13 children would also assist law enforcement agencies in protecting the
14 children in their communities from further criminal acts.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
16 to read as follows:

17 (1) Upon motion of the sentencing judge or the prosecuting
18 attorney, an offender convicted of a felony may be required to register

1 with the county sheriff for the county of the offender's residence if
2 the court finds by a preponderance of the evidence that:

3 (a) The victim of the offense was a child twelve years of age or
4 younger;

5 (b) The victim and the offender are not related; and

6 (c) The circumstances of the offense indicate that the offender may
7 be a potential threat to other children.

8 (2) The offender shall be given reasonable notice of a motion to
9 require registration.

10 (3)(a) If registration is required, the offender shall register
11 immediately upon completion of sentencing, or if the offender is in
12 custody, shall register within twenty-four hours of release from the
13 county jail or correctional facility.

14 (b) The offender shall provide the county sheriff with the
15 following information when registering: (i) Name; (ii) address; (iii)
16 date and place of birth; (iv) place of employment; (v) crime for which
17 convicted; (vi) date and place of conviction; (vii) aliases used; and
18 (viii) social security number.

19 (c) Offenders who change residence address within the same county
20 must send written notice of the change of address to the county sheriff
21 within ten days of moving. Offenders who move to a new county must
22 register with the county sheriff in the new county within ten days of
23 moving. Within ten days of moving to a new county, or moving out of
24 Washington state, the offender must also send written notice of the
25 change of address to the county sheriff with whom the offender last
26 registered in Washington state.

27 (d) The sheriff shall obtain a photograph of the offender and a
28 copy of the offender's fingerprints.

29 (4) An offender required to register under this section who
30 knowingly fails to register, or who moves without notifying the county
31 sheriff as required by this section, is guilty of a class C felony if
32 the crime for which the offender was convicted was a class A felony.
33 If the crime for which the offender was convicted was a class B or C
34 felony, violation of this section is a gross misdemeanor.

35 (5) Unless relieved of the duty to register under section 3 of this
36 act, a violation of this section is an ongoing offense for purposes of
37 the statute of limitations under RCW 9A.04.080.

38 (6) This section shall apply to all offenders sentenced after the
39 effective date of this act.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A. RCW
2 to read as follows:

3 (1) The requirement to register imposed under section 2 of this act
4 shall continue for the following periods based on the classification of
5 the felony offense that results in the imposition of the registration
6 requirement:

7 (a) If the offense is a class A felony, the offender may only be
8 relieved of the duty to register under subsection (2) of this section.

9 (b) If the offense is a class B felony, the registration
10 requirement shall continue for the longer of:

11 (i) Fifteen years since the last date of release from confinement,
12 including full-time residential treatment under the conviction, if any,
13 or entry of the judgment and sentence; or

14 (ii) Fifteen consecutive years without being convicted of a new
15 offense.

16 (c) If the offense is a class C felony, the registration
17 requirement shall continue for the longer of:

18 (i) Ten years since the last date of release from confinement,
19 including full-time residential treatment under the conviction, if any,
20 or entry of the judgment and sentence; or

21 (ii) Ten consecutive years without being convicted of a new
22 offense.

23 (2) An offender having a duty to register under section 2 of this
24 act may petition the superior court to be relieved of that duty. The
25 petition shall be made to the court in which the petitioner was
26 convicted of the offense that subjects him or her to the duty to
27 register. The prosecuting attorney of the county shall be named and
28 served as the respondent of the petition. The court shall consider the
29 nature of the offense that resulted in the registration requirement,
30 and the criminal and relevant noncriminal behavior of the petitioner
31 both before and after conviction, and may consider other factors. The
32 court may relieve the petitioner of the duty to register only if the
33 petitioner shows, with clear and convincing evidence, that future
34 registration of the petitioner will not serve the purposes of this act.

35 (3) Nothing in RCW 9.94A.220 relating to discharge of an offender
36 shall be construed as operating to relieve the offender of his or her
37 duty to register under this act.

1 **Sec. 4.** RCW 4.24.550 and 1994 c 129 s 2 are each amended to read
2 as follows:

3 (1) Public agencies are authorized to release relevant and
4 necessary information regarding sex offenders and offenders required to
5 register under section 2 of this act to the public when the release of
6 the information is necessary for public protection.

7 (2) Local law enforcement agencies and officials who decide to
8 release information pursuant to this section shall make a good faith
9 effort to notify the public and residents at least fourteen days before
10 the sex offender is released. If a change occurs in the release plan,
11 this notification provision will not require an extension of the
12 release date. The department of corrections and the department of
13 social and health services shall provide local law enforcement
14 officials with all relevant information on sex offenders about to be
15 released or placed into the community in a timely manner.

16 (3) An elected public official, public employee, or public agency
17 as defined in RCW 4.24.470 is immune from civil liability for damages
18 for any discretionary decision to release relevant and necessary
19 information, unless it is shown that the official, employee, or agency
20 acted with gross negligence or in bad faith. The authorization and
21 immunity in this section applies to information regarding: (a) A
22 person convicted of, or juvenile found to have committed, a sex offense
23 as defined by RCW 9.94A.030; (b) a person found not guilty of a sex
24 offense by reason of insanity under chapter 10.77 RCW; (c) a person
25 found incompetent to stand trial for a sex offense and subsequently
26 committed under chapter 71.05 or 71.34 RCW; (d) a person committed as
27 a sexual psychopath under chapter 71.06 RCW; ~~((e))~~ (e) a person
28 committed as a sexually violent predator under chapter 71.09 RCW; or
29 (f) offenders required to register under section 2 of this act. The
30 immunity provided under this section applies to the release of relevant
31 information to other employees or officials or to the general public.

32 (4) Except as otherwise provided by statute, nothing in this
33 section shall impose any liability upon a public official, public
34 employee, or public agency for failing to release information as
35 provided in subsections (2) and (3) of this section.

1 (5) Nothing in this section implies that information regarding
2 persons designated in subsections (2) and (3) of this section is
3 confidential except as otherwise provided by statute.

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