
HOUSE BILL 2979

State of Washington

56th Legislature

2000 Regular Session

By Representatives Ruderman, Ballasiotes, O'Brien, Stensen, Hurst, Delvin, Miloscia and Woods

Read first time 01/25/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to juvenile sex offender registration; and amending
2 RCW 9A.44.140.

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

4 **Sec. 1.** RCW 9A.44.140 and 1998 c 220 s 3 are each amended to read
5 as follows:

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

7 (a) For a person convicted of a class A felony, or a person
8 convicted of any sex offense or kidnapping offense who has one or more
9 prior (~~conviction[s]~~) convictions for a sex offense or kidnapping
10 offense: Such person may only be relieved of the duty to register
11 under subsection (3) or (4) of this section.

12 (b) For a person convicted of a class B felony, and the person does
13 not have one or more prior (~~conviction[s]~~) convictions for a sex
14 offense or kidnapping offense: Fifteen years after the last date of
15 release from confinement, if any, (including full-time residential
16 treatment) pursuant to the conviction, or entry of the judgment and
17 sentence, if the person has spent fifteen consecutive years in the
18 community without being convicted of any new offenses.

1 (c) For a person convicted of a class C felony, a violation of RCW
2 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to
3 commit a class C felony, and the person does not have one or more prior
4 conviction[s] for a sex offense or kidnapping offense: Ten years after
5 the last date of release from confinement, if any, (including full-time
6 residential treatment) pursuant to the conviction, or entry of the
7 judgment and sentence, if the person has spent ten consecutive years in
8 the community without being convicted of any new offenses.

9 (2) The provisions of subsection (1) of this section shall apply
10 equally to a person who has been found not guilty by reason of insanity
11 under chapter 10.77 RCW of a sex offense or kidnapping offense.

12 (3) Any person having a duty to register under RCW 9A.44.130 may
13 petition the superior court to be relieved of that duty, if the person
14 has spent ten consecutive years in the community without being
15 convicted of any new offenses. The petition shall be made to the court
16 in which the petitioner was convicted of the offense that subjects him
17 or her to the duty to register, or, in the case of convictions in other
18 states, a foreign country, or a federal or military court, to the court
19 in Thurston county. The prosecuting attorney of the county shall be
20 named and served as the respondent in any such petition. The court
21 shall consider the nature of the registrable offense committed, and the
22 criminal and relevant noncriminal behavior of the petitioner both
23 before and after conviction, and may consider other factors. Except as
24 provided in subsection (4) of this section, the court may relieve the
25 petitioner of the duty to register only if the petitioner shows, with
26 clear and convincing evidence, that future registration of the
27 petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
28 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

29 (4) An offender having a duty to register under RCW 9A.44.130 for
30 a sex offense or kidnapping offense committed when the offender was a
31 juvenile may petition the superior court to be relieved of that duty.
32 The court shall consider the nature of the registrable offense
33 committed, and the criminal and relevant noncriminal behavior of the
34 petitioner both before and after adjudication, and may consider other
35 factors.

36 (a) Except as provided in (c) of this subsection, the court may
37 relieve the petitioner of the duty to register for a sex offense or
38 kidnapping offense that was committed while the petitioner was
39 ((fifteen)) thirteen years of age or older only if the petitioner

1 shows, with clear and convincing evidence, that future registration of
2 the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
3 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

4 (b) Except as provided in (c) of this subsection, the court may
5 relieve the petitioner of the duty to register for a sex offense or
6 kidnapping offense that was committed while the petitioner was under
7 the age of ((fifteen)) thirteen if the petitioner ((+a)) (i) has not
8 been adjudicated of any additional sex offenses or kidnapping offenses
9 during the twenty-four months ((following the adjudication)) after
10 completion of the petitioner's supervision by the department of social
11 and health services for the offense giving rise to the duty to
12 register, and ((+b)) (ii) the petitioner proves by a preponderance of
13 the evidence that future registration of the petitioner will not serve
14 the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187,
15 70.48.470, and 72.09.330.

16 (c) The court may not relieve any petitioner who has been
17 classified as a risk level III by the department of social and health
18 services, of the duty to register for a sex offense or kidnapping
19 offense.

20 This subsection shall not apply to juveniles prosecuted as adults.

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

24 (6) Nothing in RCW 9.94A.220 relating to discharge of an offender
25 shall be construed as operating to relieve the offender of his or her
26 duty to register pursuant to RCW 9A.44.130.

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