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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 9A.44.130 and 2000 c 91 s 2 are each amended to read
8 as follows:

9 (1) Any adult or juvenile residing whether or not the person has a
10 fixed residence, or who is a student, is employed, or carries on a
11 vocation in this state who has been found to have committed or has been
12 convicted of any sex offense or kidnapping offense, or who has been
13 found not guilty by reason of insanity under chapter 10.77 RCW of
14 committing any sex offense or kidnapping offense, shall register with
15 the county sheriff for the county of the person's residence, or if the
16 person is not a resident of Washington, the county of the person's
17 school, or place of employment or vocation, or as otherwise specified
18 in this section. Where a person required to register under this
19 section is in custody of the state department of corrections, the state
20 department of social and health services, a local division of youth
21 services, or a local jail or juvenile detention facility as a result of
22 a sex offense or kidnapping offense, the person shall also register at
23 the time of release from custody with an official designated by the
24 agency that has jurisdiction over the person. In addition, any such
25 adult or juvenile who is admitted to a public or private institution of
26 higher education shall, within ten days of enrolling or by the first
27 business day after arriving at the institution, whichever is earlier,
28 notify the sheriff for the county of the person's residence of the
29 person's intent to attend the institution. Persons required to
30 register under this section who are enrolled in a public or private
31 institution of higher education on June 11, 1998, must notify the
32 county sheriff immediately. The sheriff shall notify the institution's
33 department of public safety and shall provide that department with the
34 same information provided to a county sheriff under subsection (3) of
35 this section.

1 (2) This section may not be construed to confer any powers pursuant
2 to RCW 4.24.500 upon the public safety department of any public or
3 private institution of higher education.

4 (3)(a) The person shall provide the following information when
5 registering: (i) Name; (ii) address; (iii) date and place of birth;
6 (iv) place of employment; (v) crime for which convicted; (vi) date and
7 place of conviction; (vii) aliases used; (viii) social security number;
8 (ix) photograph; and (x) fingerprints.

9 (b) Any person who lacks a fixed residence shall provide the
10 following information when registering: (i) Name; (ii) date and place
11 of birth; (iii) place of employment; (iv) crime for which convicted;
12 (v) date and place of conviction; (vi) aliases used; (vii) social
13 security number; (viii) photograph; (ix) fingerprints; and (x) where he
14 or she plans to stay.

15 (4)(a) Offenders shall register with the county sheriff within the
16 following deadlines. For purposes of this section the term
17 "conviction" refers to adult convictions and juvenile adjudications for
18 sex offenses or kidnapping offenses:

19 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
20 offense on, before, or after February 28, 1990, and who, on or after
21 July 28, 1991, are in custody, as a result of that offense, of the
22 state department of corrections, the state department of social and
23 health services, a local division of youth services, or a local jail or
24 juvenile detention facility, and (B) kidnapping offenders who on or
25 after July 27, 1997, are in custody of the state department of
26 corrections, the state department of social and health services, a
27 local division of youth services, or a local jail or juvenile detention
28 facility, must register at the time of release from custody with an
29 official designated by the agency that has jurisdiction over the
30 offender. The agency shall within three days forward the registration
31 information to the county sheriff for the county of the offender's
32 anticipated residence. The offender must also register within twenty-
33 four hours from the time of release with the county sheriff for the
34 county of the person's residence, or if the person is not a resident of
35 Washington, the county of the person's school, or place of employment
36 or vocation. The agency that has jurisdiction over the offender shall
37 provide notice to the offender of the duty to register. Failure to
38 register at the time of release and within twenty-four hours of release

1 constitutes a violation of this section and is punishable as provided
2 in subsection (10) of this section.

3 When the agency with jurisdiction intends to release an offender
4 with a duty to register under this section, and the agency has
5 knowledge that the offender is eligible for developmental disability
6 services from the department of social and health services, the agency
7 shall notify the division of developmental disabilities of the release.
8 Notice shall occur not more than thirty days before the offender is to
9 be released. The agency and the division shall assist the offender in
10 meeting the initial registration requirement under this section.
11 Failure to provide such assistance shall not constitute a defense for
12 any violation of this section.

13 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
14 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
15 but are under the jurisdiction of the indeterminate sentence review
16 board or under the department of correction's active supervision, as
17 defined by the department of corrections, the state department of
18 social and health services, or a local division of youth services, for
19 sex offenses committed before, on, or after February 28, 1990, must
20 register within ten days of July 28, 1991. Kidnapping offenders who,
21 on July 27, 1997, are not in custody but are under the jurisdiction of
22 the indeterminate sentence review board or under the department of
23 correction's active supervision, as defined by the department of
24 corrections, the state department of social and health services, or a
25 local division of youth services, for kidnapping offenses committed
26 before, on, or after July 27, 1997, must register within ten days of
27 July 27, 1997. A change in supervision status of a sex offender who
28 was required to register under this subsection (4)(a)(ii) as of July
29 28, 1991, or a kidnapping offender required to register as of July 27,
30 1997, shall not relieve the offender of the duty to register or to
31 reregister following a change in residence. The obligation to register
32 shall only cease pursuant to RCW 9A.44.140.

33 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
34 or after July 23, 1995, and kidnapping offenders who, on or after July
35 27, 1997, as a result of that offense are in the custody of the United
36 States bureau of prisons or other federal or military correctional
37 agency for sex offenses committed before, on, or after February 28,
38 1990, or kidnapping offenses committed on, before, or after July 27,
39 1997, must register within twenty-four hours from the time of release

1 with the county sheriff for the county of the person's residence, or if
2 the person is not a resident of Washington, the county of the person's
3 school, or place of employment or vocation. Sex offenders who, on July
4 23, 1995, are not in custody but are under the jurisdiction of the
5 United States bureau of prisons, United States courts, United States
6 parole commission, or military parole board for sex offenses committed
7 before, on, or after February 28, 1990, must register within ten days
8 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
9 in custody but are under the jurisdiction of the United States bureau
10 of prisons, United States courts, United States parole commission, or
11 military parole board for kidnapping offenses committed before, on, or
12 after July 27, 1997, must register within ten days of July 27, 1997.
13 A change in supervision status of a sex offender who was required to
14 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
15 kidnapping offender required to register as of July 27, 1997 shall not
16 relieve the offender of the duty to register or to reregister following
17 a change in residence, or if the person is not a resident of
18 Washington, the county of the person's school, or place of employment
19 or vocation. The obligation to register shall only cease pursuant to
20 RCW 9A.44.140.

21 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
22 who are convicted of a sex offense on or after July 28, 1991, for a sex
23 offense that was committed on or after February 28, 1990, and
24 kidnapping offenders who are convicted on or after July 27, 1997, for
25 a kidnapping offense that was committed on or after July 27, 1997, but
26 who are not sentenced to serve a term of confinement immediately upon
27 sentencing, shall report to the county sheriff to register immediately
28 upon completion of being sentenced.

29 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
30 RESIDENTS. Sex offenders and kidnapping offenders who move to
31 Washington state from another state or a foreign country that are not
32 under the jurisdiction of the state department of corrections, the
33 indeterminate sentence review board, or the state department of social
34 and health services at the time of moving to Washington, must register
35 within thirty days of establishing residence or reestablishing
36 residence if the person is a former Washington resident. The duty to
37 register under this subsection applies to sex offenders convicted under
38 the laws of another state or a foreign country, federal or military
39 statutes, or Washington state for offenses committed on or after

1 February 28, 1990, and to kidnapping offenders convicted under the laws
2 of another state or a foreign country, federal or military statutes, or
3 Washington state for offenses committed on or after July 27, 1997. Sex
4 offenders and kidnapping offenders from other states or a foreign
5 country who, when they move to Washington, are under the jurisdiction
6 of the department of corrections, the indeterminate sentence review
7 board, or the department of social and health services must register
8 within twenty-four hours of moving to Washington. The agency that has
9 jurisdiction over the offender shall notify the offender of the
10 registration requirements before the offender moves to Washington.

11 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
12 or juvenile who has been found not guilty by reason of insanity under
13 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
14 February 28, 1990, and who, on or after July 23, 1995, is in custody,
15 as a result of that finding, of the state department of social and
16 health services, or (B) committing a kidnapping offense on, before, or
17 after July 27, 1997, and who on or after July 27, 1997, is in custody,
18 as a result of that finding, of the state department of social and
19 health services, must register within twenty-four hours from the time
20 of release with the county sheriff for the county of the person's
21 residence. The state department of social and health services shall
22 provide notice to the adult or juvenile in its custody of the duty to
23 register. Any adult or juvenile who has been found not guilty by
24 reason of insanity of committing a sex offense on, before, or after
25 February 28, 1990, but who was released before July 23, 1995, or any
26 adult or juvenile who has been found not guilty by reason of insanity
27 of committing a kidnapping offense but who was released before July 27,
28 1997, shall be required to register within twenty-four hours of
29 receiving notice of this registration requirement. The state
30 department of social and health services shall make reasonable attempts
31 within available resources to notify sex offenders who were released
32 before July 23, 1995, and kidnapping offenders who were released before
33 July 27, 1997. Failure to register within twenty-four hours of
34 release, or of receiving notice, constitutes a violation of this
35 section and is punishable as provided in subsection (10) of this
36 section.

37 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
38 a fixed residence and leaves the county in which he or she is
39 registered and enters and remains within a new county for twenty-four

1 hours is required to register with the county sheriff not more than
2 twenty-four hours after entering the county and provide the information
3 required in subsection (3)(b) of this section.

4 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
5 SUPERVISION. Offenders who lack a fixed residence and who are under
6 the supervision of the department shall register in the county of their
7 supervision.

8 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
9 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,
10 who move to another state, or who work, carry on a vocation, or attend
11 school in another state shall register a new address, fingerprints, and
12 photograph with the new state within ten days after establishing
13 residence, or after beginning to work, carry on a vocation, or attend
14 school in the new state. The person must also send written notice
15 within ten days of moving to the new state or to a foreign country to
16 the county sheriff with whom the person last registered in Washington
17 state. The county sheriff shall promptly forward this information to
18 the Washington state patrol.

19 (b) Failure to register within the time required under this section
20 constitutes a per se violation of this section and is punishable as
21 provided in subsection (10) of this section. The county sheriff shall
22 not be required to determine whether the person is living within the
23 county.

24 (c) An arrest on charges of failure to register, service of an
25 information, or a complaint for a violation of this section, or
26 arraignment on charges for a violation of this section, constitutes
27 actual notice of the duty to register. Any person charged with the
28 crime of failure to register under this section who asserts as a
29 defense the lack of notice of the duty to register shall register
30 immediately following actual notice of the duty through arrest,
31 service, or arraignment. Failure to register as required under this
32 subsection (4)(c) constitutes grounds for filing another charge of
33 failing to register. Registering following arrest, service, or
34 arraignment on charges shall not relieve the offender from criminal
35 liability for failure to register prior to the filing of the original
36 charge.

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

1 (5)(a) 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 seventy-two hours of moving. If any person required to register
5 pursuant to this section moves to a new county, the person must send
6 written notice of the change of address at least fourteen days before
7 moving to the county sheriff in the new county of residence and must
8 register with that county sheriff within twenty-four hours of moving.
9 The person must also send written notice within ten days of the change
10 of address in the new county to the county sheriff with whom the person
11 last registered. The county sheriff with whom the person last
12 registered shall promptly forward the information concerning the change
13 of address to the county sheriff for the county of the person's new
14 residence. Upon receipt of notice of change of address to a new state,
15 the county sheriff shall promptly forward the information regarding the
16 change of address to the agency designated by the new state as the
17 state's offender registration agency.

18 (b) It is an affirmative defense to a charge that the person failed
19 to send a notice at least fourteen days in advance of moving as
20 required under (a) of this subsection that the person did not know the
21 location of his or her new residence at least fourteen days before
22 moving. The defendant must establish the defense by a preponderance of
23 the evidence and, to prevail on the defense, must also prove by a
24 preponderance that the defendant sent the required notice within
25 twenty-four hours of determining the new address.

26 (6)(a) Any person required to register under this section who lacks
27 a fixed residence shall provide written notice to the sheriff of the
28 county where he or she last registered within (~~fourteen days~~) forty-
29 eight hours excluding weekends and holidays after ceasing to have a
30 fixed residence. The notice shall include the information required by
31 subsection (3)(b) of this section, except the photograph and
32 fingerprints. The county sheriff may, for reasonable cause, require
33 the offender to provide a photograph and fingerprints. The sheriff
34 shall forward this information to the sheriff of the county in which
35 the person intends to reside, if the person intends to reside in
36 another county.

37 (b) A person who lacks a fixed residence must report weekly, in
38 person, to the sheriff of the county where he or she is registered.
39 (~~If he or she has been classified as a risk level I sex or kidnapping~~

1 offender, he or she must report monthly. If he or she has been
2 classified as a risk level II or III sex or kidnapping offender, he or
3 she must report weekly.) The weekly report shall be on a day specified
4 by the county sheriff's office, and shall occur during normal business
5 hours. The county sheriff's office may require the person to list the
6 locations where the person has stayed during the last seven days. The
7 lack of a fixed residence is a factor that may be considered in
8 determining ((a-sex)) an offender's risk level and shall make the
9 offender subject to disclosure of information to the public at large
10 pursuant to RCW 4.24.550.

11 (c) If any person required to register pursuant to this section
12 does not have a fixed residence, it is an affirmative defense to the
13 charge of failure to register, that he or she provided written notice
14 to the sheriff of the county where he or she last registered within
15 ((fourteen days)) forty-eight hours excluding weekends and holidays
16 after ceasing to have a fixed residence and has subsequently complied
17 with the requirements of subsections (4)(a)(vii) or (viii) and (6) of
18 this section. To prevail, the person must prove the defense by a
19 preponderance of the evidence.

20 (7) A sex offender subject to registration requirements under this
21 section who applies to change his or her name under RCW 4.24.130 or any
22 other law shall submit a copy of the application to the county sheriff
23 of the county of the person's residence and to the state patrol not
24 fewer than five days before the entry of an order granting the name
25 change. No sex offender under the requirement to register under this
26 section at the time of application shall be granted an order changing
27 his or her name if the court finds that doing so will interfere with
28 legitimate law enforcement interests, except that no order shall be
29 denied when the name change is requested for religious or legitimate
30 cultural reasons or in recognition of marriage or dissolution of
31 marriage. A sex offender under the requirement to register under this
32 section who receives an order changing his or her name shall submit a
33 copy of the order to the county sheriff of the county of the person's
34 residence and to the state patrol within five days of the entry of the
35 order.

36 (8) The county sheriff shall obtain a photograph of the individual
37 and shall obtain a copy of the individual's fingerprints.

38 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
39 70.48.470, and 72.09.330:

1 (a) "Sex offense" means any offense defined as a sex offense by RCW
2 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a
3 minor), 9.68A.050 (dealing in depictions of minor engaged in sexually
4 explicit conduct), 9.68A.060 (sending, bringing into state depictions
5 of minor engaged in sexually explicit conduct), 9.68A.090
6 (communication with minor for immoral purposes), 9.68A.100 (patronizing
7 juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in
8 the second degree), as well as any gross misdemeanor that is, under
9 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
10 criminal conspiracy to commit an offense that is classified as a sex
11 offense under RCW 9.94A.030.

12 (b) "Kidnapping offense" means the crimes of kidnapping in the
13 first degree, kidnapping in the second degree, and unlawful
14 imprisonment as defined in chapter 9A.40 RCW, where the victim is a
15 minor and the offender is not the minor's parent.

16 (c) "Employed" or "carries on a vocation" means employment that is
17 full-time or part-time for a period of time exceeding fourteen days, or
18 for an aggregate period of time exceeding thirty days during any
19 calendar year. A person is employed or carries on a vocation whether
20 the person's employment is financially compensated, volunteered, or for
21 the purpose of government or educational benefit.

22 (d) "Student" means a person who is enrolled, on a full-time or
23 part-time basis, in any public or private educational institution. An
24 educational institution includes any secondary school, trade or
25 professional institution, or institution of higher education.

26 (10) A person who knowingly fails to register with the county
27 sheriff or notify the county sheriff, or who changes his or her name
28 without notifying the county sheriff and the state patrol, as required
29 by this section is guilty of a class C felony if the crime for which
30 the individual was convicted was a felony sex offense as defined in
31 subsection (9)(a) of this section or a federal or out-of-state
32 conviction for an offense that under the laws of this state would be a
33 felony sex offense as defined in subsection (9)(a) of this section. If
34 the crime was other than a felony or a federal or out-of-state
35 conviction for an offense that under the laws of this state would be
36 other than a felony, violation of this section is a gross misdemeanor.

37 (11) A person who knowingly fails to register or who moves within
38 the state without notifying the county sheriff as required by this
39 section is guilty of a class C felony if the crime for which the

1 individual was convicted was a felony kidnapping offense as defined in
2 subsection (9)(b) of this section or a federal or out-of-state
3 conviction for an offense that under the laws of this state would be a
4 felony kidnapping offense as defined in subsection (9)(b) of this
5 section. If the crime was other than a felony or a federal or out-of-
6 state conviction for an offense that under the laws of this state would
7 be other than a felony, violation of this section is a gross
8 misdemeanor.

9 **Sec. 2.** RCW 4.24.550 and 1998 c 220 s 6 are each amended to read
10 as follows:

11 (1) Public agencies are authorized to release information to the
12 public regarding sex offenders and kidnapping offenders when the agency
13 determines that disclosure of the information is relevant and necessary
14 to protect the public and counteract the danger created by the
15 particular offender. This authorization applies to information
16 regarding: (a) Any person adjudicated or convicted of a sex offense as
17 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW
18 9A.44.130; (b) any person under the jurisdiction of the indeterminate
19 sentence review board as the result of a sex offense or kidnapping
20 offense; (c) any person committed as a sexually violent predator under
21 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
22 (d) any person found not guilty of a sex offense or kidnapping offense
23 by reason of insanity under chapter 10.77 RCW; and (e) any person found
24 incompetent to stand trial for a sex offense or kidnapping offense and
25 subsequently committed under chapter 71.05 or 71.34 RCW.

26 (2) The extent of the public disclosure of relevant and necessary
27 information shall be rationally related to: (a) The level of risk
28 posed by the offender to the community; (b) the locations where the
29 offender resides, expects to reside, or is regularly found; and (c) the
30 needs of the affected community members for information to enhance
31 their individual and collective safety.

32 (3) Local law enforcement agencies shall consider the following
33 guidelines in determining the extent of a public disclosure made under
34 this section: (a) For offenders classified as risk level I, the agency
35 shall share information with other appropriate law enforcement agencies
36 and may disclose, upon request, relevant, necessary, and accurate
37 information to any victim or witness to the offense and to any
38 individual community member who lives near the residence where the

1 offender resides, expects to reside, or is regularly found; (b) for
2 offenders classified as risk level II, the agency may also disclose
3 relevant, necessary, and accurate information to public and private
4 schools, child day care centers, family day care providers, businesses
5 and organizations that serve primarily children, women, or vulnerable
6 adults, and neighbors and community groups near the residence where the
7 offender resides, expects to reside, or is regularly found; ~~((and))~~ (c)
8 for offenders classified as risk level III, the agency may also
9 disclose relevant, necessary, and accurate information to the public at
10 large; and (d) because more localized notification is not feasible and
11 homeless and transient offenders may present unique risks to the
12 community, the agency may also disclose relevant, necessary, and
13 accurate information to the public at large for offenders registered as
14 homeless or transient.

15 (4) Local law enforcement agencies that disseminate information
16 pursuant to this section shall: (a) Review available risk level
17 classifications made by the department of corrections, the department
18 of social and health services, and the indeterminate sentence review
19 board; (b) assign risk level classifications to all offenders about
20 whom information will be disseminated; and (c) make a good faith effort
21 to notify the public and residents at least fourteen days before the
22 offender is released from confinement or, where an offender moves from
23 another jurisdiction, as soon as possible after the agency learns of
24 the offender's move, except that in no case may this notification
25 provision be construed to require an extension of an offender's release
26 date. The juvenile court shall provide local law enforcement officials
27 with all relevant information on offenders allowed to remain in the
28 community in a timely manner.

29 (5) An appointed or elected public official, public employee, or
30 public agency as defined in RCW 4.24.470 is immune from civil liability
31 for damages for any discretionary risk level classification decisions
32 or release of relevant and necessary information, unless it is shown
33 that the official, employee, or agency acted with gross negligence or
34 in bad faith. The immunity in this section applies to risk level
35 classification decisions and the release of relevant and necessary
36 information regarding any individual for whom disclosure is authorized.
37 The decision of a local law enforcement agency or official to classify
38 an offender to a risk level other than the one assigned by the
39 department of corrections, the department of social and health

1 services, or the indeterminate sentence review board, or the release of
2 any relevant and necessary information based on that different
3 classification shall not, by itself, be considered gross negligence or
4 bad faith. The immunity provided under this section applies to the
5 release of relevant and necessary information to other public
6 officials, public employees, or public agencies, and to the general
7 public.

8 (6) Except as may otherwise be provided by law, nothing in this
9 section shall impose any liability upon a public official, public
10 employee, or public agency for failing to release information
11 authorized under this section.

12 (7) Nothing in this section implies that information regarding
13 persons designated in subsection (1) of this section is confidential
14 except as may otherwise be provided by law.

15 (8) When a local law enforcement agency or official classifies an
16 offender differently than the offender is classified by the department
17 of corrections, the department of social and health services, or the
18 indeterminate sentence review board, the law enforcement agency or
19 official shall notify the appropriate department or the board and
20 submit its reasons supporting the change in classification."

21 **HB 1952** - S COMM AMD

22 By Committee on Human Services & Corrections

23

24 On page 1, line 2 of the title, after "offenders;" strike the
25 remainder of the title and insert "and amending RCW 9A.44.130 and
26 4.24.550."

EFFECT: Amends the 24-hour notice on becoming homeless to 48 hours
not including weekends and holidays. Moves the community notification
on homeless sex offenders into its own part of the subsection and adds
a rationale for broad notification.

--- END ---