

SHB 2534 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 03/03/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9A.44.130 and 2008 c 230 s 1 are each amended to read
4 as follows:

5 (1)(a) Any adult or juvenile residing whether or not the person has
6 a fixed residence, or who is a student, is employed, or carries on a
7 vocation in this state who has been found to have committed or has been
8 convicted of any sex offense or kidnapping offense, or who has been
9 found not guilty by reason of insanity under chapter 10.77 RCW of
10 committing any sex offense or kidnapping offense, shall register with
11 the county sheriff for the county of the person's residence, or if the
12 person is not a resident of Washington, the county of the person's
13 school, or place of employment or vocation, or as otherwise specified
14 in this section. Where a person required to register under this
15 section is in custody of the state department of corrections, the state
16 department of social and health services, a local division of youth
17 services, or a local jail or juvenile detention facility as a result of
18 a sex offense or kidnapping offense, the person shall also register at
19 the time of release from custody with an official designated by the
20 agency that has jurisdiction over the person.

21 (b) Any adult or juvenile who is required to register under (a) of
22 this subsection:

23 (i) Who is attending, or planning to attend, a public or private
24 school regulated under Title 28A RCW or chapter 72.40 RCW shall, within
25 ten days of enrolling or prior to arriving at the school to attend
26 classes, whichever is earlier, notify the sheriff for the county of the
27 person's residence of the person's intent to attend the school, and the
28 sheriff shall promptly notify the principal of the school;

29 (ii) Who is admitted to a public or private institution of higher
30 education shall, within ten days of enrolling or by the first business

1 day after arriving at the institution, whichever is earlier, notify the
2 sheriff for the county of the person's residence of the person's intent
3 to attend the institution;

4 (iii) Who gains employment at a public or private institution of
5 higher education shall, within ten days of accepting employment or by
6 the first business day after commencing work at the institution,
7 whichever is earlier, notify the sheriff for the county of the person's
8 residence of the person's employment by the institution; or

9 (iv) Whose enrollment or employment at a public or private
10 institution of higher education is terminated shall, within ten days of
11 such termination, notify the sheriff for the county of the person's
12 residence of the person's termination of enrollment or employment at
13 the institution.

14 (c) Persons required to register under this section who are
15 enrolled in a public or private institution of higher education on June
16 11, 1998, or a public or private school regulated under Title 28A RCW
17 or chapter 72.40 RCW on September 1, 2006, must notify the county
18 sheriff immediately.

19 (d) The sheriff shall notify the school's principal or
20 institution's department of public safety and shall provide that
21 department with the same information provided to a county sheriff under
22 subsection (3) of this section.

23 (e)(i) A principal receiving notice under this subsection must
24 disclose the information received from the sheriff under (b) of this
25 subsection as follows:

26 (A) If the student who is required to register as a sex offender is
27 classified as a risk level II or III, the principal shall provide the
28 information received to every teacher of any student required to
29 register under (a) of this subsection and to any other personnel who,
30 in the judgment of the principal, supervises the student or for
31 security purposes should be aware of the student's record;

32 (B) If the student who is required to register as a sex offender is
33 classified as a risk level I, the principal shall provide the
34 information received only to personnel who, in the judgment of the
35 principal, for security purposes should be aware of the student's
36 record.

37 (ii) Any information received by a principal or school personnel
38 under this subsection is confidential and may not be further

1 disseminated except as provided in RCW 28A.225.330, other statutes or
2 case law, and the family and educational and privacy rights act of
3 1994, 20 U.S.C. Sec. 1232g et seq.

4 (2) This section may not be construed to confer any powers pursuant
5 to RCW 4.24.550 upon the public safety department of any public or
6 private school or institution of higher education.

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

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

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

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

1 or vocation. The agency that has jurisdiction over the offender shall
2 provide notice to the offender of the duty to register. Failure to
3 register at the time of release and within twenty-four hours of release
4 constitutes a violation of this section and is punishable as provided
5 in subsection ~~((+11+))~~ (10) of this section.

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

16 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
17 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
18 but are under the jurisdiction of the indeterminate sentence review
19 board or under the department of corrections' active supervision, as
20 defined by the department of corrections, the state department of
21 social and health services, or a local division of youth services, for
22 sex offenses committed before, on, or after February 28, 1990, must
23 register within ten days of July 28, 1991. Kidnapping offenders who,
24 on July 27, 1997, are not in custody but are under the jurisdiction of
25 the indeterminate sentence review board or under the department of
26 corrections' active supervision, as defined by the department of
27 corrections, the state department of social and health services, or a
28 local division of youth services, for kidnapping offenses committed
29 before, on, or after July 27, 1997, must register within ten days of
30 July 27, 1997. A change in supervision status of a sex offender who
31 was required to register under this subsection (4)(a)(ii) as of July
32 28, 1991, or a kidnapping offender required to register as of July 27,
33 1997, shall not relieve the offender of the duty to register or to
34 reregister following a change in residence. The obligation to register
35 shall only cease pursuant to RCW 9A.44.140.

36 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
37 or after July 23, 1995, and kidnapping offenders who, on or after July
38 27, 1997, as a result of that offense are in the custody of the United

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

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

33 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
34 RESIDENTS. Sex offenders and kidnapping offenders who move to
35 Washington state from another state or a foreign country that are not
36 under the jurisdiction of the state department of corrections, the
37 indeterminate sentence review board, or the state department of social
38 and health services at the time of moving to Washington, must register

1 within three business days of establishing residence or reestablishing
2 residence if the person is a former Washington resident. The duty to
3 register under this subsection applies to sex offenders convicted under
4 the laws of another state or a foreign country, federal or military
5 statutes for offenses committed before, on, or after February 28, 1990,
6 or Washington state for offenses committed before, on, or after
7 February 28, 1990, and to kidnapping offenders convicted under the laws
8 of another state or a foreign country, federal or military statutes, or
9 Washington state for offenses committed before, on, or after July 27,
10 1997. Sex offenders and kidnapping offenders from other states or a
11 foreign country who, when they move to Washington, are under the
12 jurisdiction of the department of corrections, the indeterminate
13 sentence review board, or the department of social and health services
14 must register within twenty-four hours of moving to Washington. The
15 agency that has jurisdiction over the offender shall notify the
16 offender of the registration requirements before the offender moves to
17 Washington.

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

1 before July 23, 1995, and kidnapping offenders who were released before
2 July 27, 1997. Failure to register within twenty-four hours of
3 release, or of receiving notice, constitutes a violation of this
4 section and is punishable as provided in subsection (~~(11)~~) (10) of
5 this section.

6 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
7 a fixed residence and leaves the county in which he or she is
8 registered and enters and remains within a new county for twenty-four
9 hours is required to register with the county sheriff not more than
10 twenty-four hours after entering the county and provide the information
11 required in subsection (3)(b) of this section.

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

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

27 (b) Failure to register within the time required under this section
28 constitutes a per se violation of this section and is punishable as
29 provided in subsection (~~(11)~~) (10) of this section. The county
30 sheriff shall not be required to determine whether the person is living
31 within the county.

32 (c) An arrest on charges of failure to register, service of an
33 information, or a complaint for a violation of this section, or
34 arraignment on charges for a violation of this section, constitutes
35 actual notice of the duty to register. Any person charged with the
36 crime of failure to register under this section who asserts as a
37 defense the lack of notice of the duty to register shall register
38 immediately following actual notice of the duty through arrest,

1 service, or arraignment. Failure to register as required under this
2 subsection (4)(c) constitutes grounds for filing another charge of
3 failing to register. Registering following arrest, service, or
4 arraignment on charges shall not relieve the offender from criminal
5 liability for failure to register prior to the filing of the original
6 charge.

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

10 (5)(a) If any person required to register pursuant to this section
11 changes his or her residence address within the same county, the person
12 must send signed written notice of the change of address to the county
13 sheriff within seventy-two hours of moving. If any person required to
14 register pursuant to this section moves to a new county, the person
15 must send signed written notice of the change of address at least
16 fourteen days before moving to the county sheriff in the new county of
17 residence and must register with that county sheriff within twenty-four
18 hours of moving. The person must also send signed written notice
19 within ten days of the change of address in the new county to the
20 county sheriff with whom the person last registered. The county
21 sheriff with whom the person last registered shall promptly forward the
22 information concerning the change of address to the county sheriff for
23 the county of the person's new residence. Upon receipt of notice of
24 change of address to a new state, the county sheriff shall promptly
25 forward the information regarding the change of address to the agency
26 designated by the new state as the state's offender registration
27 agency.

28 (b) It is an affirmative defense to a charge that the person failed
29 to send a notice at least fourteen days in advance of moving as
30 required under (a) of this subsection that the person did not know the
31 location of his or her new residence at least fourteen days before
32 moving. The defendant must establish the defense by a preponderance of
33 the evidence and, to prevail on the defense, must also prove by a
34 preponderance that the defendant sent the required notice within
35 twenty-four hours of determining the new address.

36 (6)(a) Any person required to register under this section who lacks
37 a fixed residence shall provide signed written notice to the sheriff of
38 the county where he or she last registered within forty-eight hours

1 excluding weekends and holidays after ceasing to have a fixed
2 residence. The notice shall include the information required by
3 subsection (3)(b) of this section, except the photograph and
4 fingerprints. The county sheriff may, for reasonable cause, require
5 the offender to provide a photograph and fingerprints. The sheriff
6 shall forward this information to the sheriff of the county in which
7 the person intends to reside, if the person intends to reside in
8 another county.

9 (b) A person who lacks a fixed residence must report weekly, in
10 person, to the sheriff of the county where he or she is registered.
11 The weekly report shall be on a day specified by the county sheriff's
12 office, and shall occur during normal business hours. (~~The county
13 sheriff's office may require the person to list the locations where the
14 person has stayed during the last seven days.~~) The person must keep an
15 accurate accounting of where he or she stays during the week and
16 provide it to the county sheriff upon request. The lack of a fixed
17 residence is a factor that may be considered in determining an
18 offender's risk level and shall make the offender subject to disclosure
19 of information to the public at large pursuant to RCW 4.24.550.

20 (c) If any person required to register pursuant to this section
21 does not have a fixed residence, it is an affirmative defense to the
22 charge of failure to register, that he or she provided written notice
23 to the sheriff of the county where he or she last registered within
24 forty-eight hours excluding weekends and holidays after ceasing to have
25 a fixed residence and has subsequently complied with the requirements
26 of subsections (4)(a)(vii) or (viii) and (6) of this section. To
27 prevail, the person must prove the defense by a preponderance of the
28 evidence.

29 (7) (~~All offenders who are required to register pursuant to this
30 section who have a fixed residence and who are designated as a risk
31 level II or III must report, in person, every ninety days to the
32 sheriff of the county where he or she is registered. Reporting shall
33 be on a day specified by the county sheriff's office, and shall occur
34 during normal business hours. An offender who complies with the
35 ninety day reporting requirement with no violations for a period of at
36 least five years in the community may petition the superior court to be
37 relieved of the duty to report every ninety days. The petition shall
38 be made to the superior court in the county where the offender resides~~

1 ~~or reports under this section. The prosecuting attorney of the county~~
2 ~~shall be named and served as respondent in any such petition. The~~
3 ~~court shall relieve the petitioner of the duty to report if the~~
4 ~~petitioner shows, by a preponderance of the evidence, that the~~
5 ~~petitioner has complied with the reporting requirement for a period of~~
6 ~~at least five years and that the offender has not been convicted of a~~
7 ~~criminal violation of this section for a period of at least five years,~~
8 ~~and the court determines that the reporting no longer serves a public~~
9 ~~safety purpose. Failure to report, as specified, constitutes a~~
10 ~~violation of this section and is punishable as provided in subsection~~
11 ~~(11) of this section.~~

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

28 ((+9)) (8) The county sheriff shall obtain a photograph of the
29 individual and shall obtain a copy of the individual's fingerprints.
30 A photograph may be taken at any time to update an individual's file.

31 ((+10)) (9) For the purpose of RCW 9A.44.130, 10.01.200,
32 43.43.540, 70.48.470, and 72.09.330:

33 (a) "Sex offense" means:

34 (i) Any offense defined as a sex offense by RCW 9.94A.030;

35 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
36 minor in the second degree);

37 (iii) Any violation under RCW 9.68A.090 (communication with a minor
38 for immoral purposes);

1 (iv) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be classified as a sex offense under
3 this subsection; and

4 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
5 criminal attempt, criminal solicitation, or criminal conspiracy to
6 commit an offense that is classified as a sex offense under RCW
7 9.94A.030 or this subsection.

8 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
9 the first degree, kidnapping in the second degree, and unlawful
10 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
11 minor and the offender is not the minor's parent; (ii) any offense that
12 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
13 or criminal conspiracy to commit an offense that is classified as a
14 kidnapping offense under this subsection (~~((+10+))~~) (9)(b); and (iii) any
15 federal or out-of-state conviction for an offense that under the laws
16 of this state would be classified as a kidnapping offense under this
17 subsection (~~((+10+))~~) (9)(b).

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

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

28 (~~((+11+))~~) (10)(a) A person who knowingly fails to comply with any of
29 the requirements of this section is guilty of a class B felony if the
30 crime for which the individual was convicted was a felony sex offense
31 as defined in subsection (~~((+10+))~~) (9)(a) of this section or a federal
32 or out-of-state conviction for an offense that under the laws of this
33 state would be a felony sex offense as defined in subsection (~~((+10+))~~)
34 (9)(a) of this section.

35 (b) If the crime for which the individual was convicted was other
36 than a felony or a federal or out-of-state conviction for an offense
37 that under the laws of this state would be other than a felony,
38 violation of this section is a gross misdemeanor.

1 ((+12+)) (11)(a) A person who knowingly fails to comply with any of
2 the requirements of this section is guilty of a class C felony if the
3 crime for which the individual was convicted was a felony kidnapping
4 offense as defined in subsection ((+10+)) (9)(b) of this section or a
5 federal or out-of-state conviction for an offense that under the laws
6 of this state would be a felony kidnapping offense as defined in
7 subsection ((+10+)) (9)(b) of this section.

8 (b) If the crime for which the individual was convicted was other
9 than a felony or a federal or out-of-state conviction for an offense
10 that under the laws of this state would be other than a felony,
11 violation of this section is a gross misdemeanor.

12 ((+13+)) (12) Except as may otherwise be provided by law, nothing
13 in this section shall impose any liability upon a peace officer,
14 including a county sheriff, or law enforcement agency, for failing to
15 release information authorized under this section.

16 **Sec. 2.** RCW 9A.44.135 and 2000 c 91 s 1 are each amended to read
17 as follows:

18 (1) When an offender registers with the county sheriff pursuant to
19 RCW 9A.44.130, the county sheriff shall notify the police chief or town
20 marshal of the jurisdiction in which the offender has registered to
21 live. If the offender registers to live in an unincorporated area of
22 the county, the sheriff shall make reasonable attempts to verify that
23 the offender is residing at the registered address. If the offender
24 registers to live in an incorporated city or town, the police chief or
25 town marshal shall make reasonable attempts to verify that the offender
26 is residing at the registered address. Reasonable attempts ((at
27 ~~verifying an address shall include at a minimum:~~

28 ~~(a) For offenders who have not been previously designated sexually~~
29 ~~violent predators under chapter 71.09 RCW or an equivalent procedure in~~
30 ~~another jurisdiction, each year the chief law enforcement officer of~~
31 ~~the jurisdiction where the offender is registered to live shall send))~~
32 include verifying an offender's address pursuant to the grant program
33 established under section 3 of this act. If the sheriff or police
34 chief or town marshal does not participate in the grant program
35 established under section 3 of this act, reasonable attempts require a
36 yearly mailing by certified mail, with return receipt requested, a
37 nonforwardable verification form to the offender at the offender's last

1 registered address sent by the chief law enforcement officer of the
2 jurisdiction where the offender is registered to live. ((b)) For
3 offenders who have been previously designated sexually violent
4 predators under chapter 71.09 RCW or the equivalent procedure in
5 another jurisdiction, even if the designation has subsequently been
6 removed, this mailing must be sent every ninety days (~~the county~~
7 ~~sheriff shall send by certified mail, with return receipt requested, a~~
8 ~~nonforwardable verification form to the offender at the offender's last~~
9 ~~registered address~~)).

10 ((e)) The offender must sign the verification form, state on the
11 form whether he or she still resides at the last registered address,
12 and return the form to the chief law enforcement officer of the
13 jurisdiction where the offender is registered to live within ten days
14 after receipt of the form.

15 (2) The chief law enforcement officer of the jurisdiction where the
16 offender has registered to live shall make reasonable attempts to
17 locate any sex offender who fails to return the verification form or
18 who cannot be located at the registered address.

19 If the offender fails to return the verification form or the
20 offender is not at the last registered address, the chief law
21 enforcement officer of the jurisdiction where the offender has
22 registered to live shall promptly forward this information to the
23 county sheriff and to the Washington state patrol for inclusion in the
24 central registry of sex offenders.

25 (3) When an offender notifies the county sheriff of a change to his
26 or her residence address pursuant to RCW 9A.44.130, and the new address
27 is in a different law enforcement jurisdiction, the county sheriff
28 shall notify the police chief or town marshal of the jurisdiction from
29 which the offender has moved.

30 (4) County sheriffs and police chiefs or town marshals may enter
31 into agreements for the purposes of delegating the authority and
32 obligation to fulfill the requirements of this section.

33 NEW SECTION. Sec. 3. A new section is added to chapter 36.28A RCW
34 to read as follows:

35 (1) When funded, the Washington association of sheriffs and police
36 chiefs shall administer a grant program to local governments for the
37 purpose of verifying the address and residency of sex offenders and

1 kidnapping offenders registered under RCW 9A.44.130 who reside within
2 the county sheriff's jurisdiction. The Washington association of
3 sheriffs and police chiefs shall:

4 (a) Enter into performance-based agreements with local governments
5 to ensure that registered offender address and residency are verified:

- 6 (i) For level I offenders, every twelve months;
7 (ii) For level II offenders, every six months; and
8 (iii) For level III offenders, every three months;

9 (b) Collect performance data from all participating jurisdictions
10 sufficient to evaluate the efficiency and effectiveness of the address
11 and residency verification program; and

12 (c) Submit a report on the effectiveness of the address and
13 residency verification program to the governor and the appropriate
14 committees of the house of representatives and senate by December 31st
15 each year.

16 (2) The Washington association of sheriffs and police chiefs may
17 retain up to three percent of the amounts provided pursuant to this
18 section for the cost of administration. Any funds not disbursed for
19 address and residency verification or retained for administration may
20 be allocated to local prosecutors for the prosecution costs associated
21 with failing to register offenses.

22 (3) For the purposes of this section, unclassified offenders and
23 kidnapping offenders shall be considered at risk level I unless in the
24 opinion of the local jurisdiction a higher classification is in the
25 interest of public safety.

26 (4) County sheriffs and police chiefs or town marshals may enter
27 into agreements for the purposes of delegating the authority and
28 obligation to fulfill the requirements of this section."

SHB 2534 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 03/03/2010

29 On page 1, line 2 of the title, after "offenders;" strike the
30 remainder of the title and insert "amending RCW 9A.44.130 and

1 9A.44.135; and adding a new section to chapter 36.28A RCW."

EFFECT: Removes language designating the county sheriff as primarily responsible for address verification and restores language referring to the chief law enforcement officer. Removes the requirement that an offender send notice when moving via certified mail. Adds a requirement that a homeless offender keep an accounting of where he or she stays during the week and give it to the sheriff upon request.

--- END ---