

HB 1965 - S COMM AMD

By Committee on Law & Justice

ADOPTED 03/31/2017

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

3 "Sec. 1. RCW 9.41.070 and 2011 c 294 s 1 are each amended to
4 read as follows:

5 (1) The chief of police of a municipality or the sheriff of a
6 county shall within thirty days after the filing of an application of
7 any person, issue a license to such person to carry a pistol
8 concealed on his or her person within this state for five years from
9 date of issue, for the purposes of protection or while engaged in
10 business, sport, or while traveling. However, if the applicant does
11 not have a valid permanent Washington driver's license or Washington
12 state identification card or has not been a resident of the state for
13 the previous consecutive ninety days, the issuing authority shall
14 have up to sixty days after the filing of the application to issue a
15 license. The issuing authority shall not refuse to accept completed
16 applications for concealed pistol licenses during regular business
17 hours.

18 The applicant's constitutional right to bear arms shall not be
19 denied, unless:

20 (a) He or she is ineligible to possess a firearm under the
21 provisions of RCW 9.41.040 or 9.41.045, or is prohibited from
22 possessing a firearm under federal law;

23 (b) The applicant's concealed pistol license is in a revoked
24 status;

25 (c) He or she is under twenty-one years of age;

26 (d) He or she is subject to a court order or injunction regarding
27 firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
28 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,
29 26.50.070, or 26.26.590;

30 (e) He or she is free on bond or personal recognizance pending
31 trial, appeal, or sentencing for a felony offense;

1 (f) He or she has an outstanding warrant for his or her arrest
2 from any court of competent jurisdiction for a felony or misdemeanor;
3 or

4 (g) He or she has been ordered to forfeit a firearm under RCW
5 9.41.098(1)(e) within one year before filing an application to carry
6 a pistol concealed on his or her person.

7 No person convicted of a felony may have his or her right to
8 possess firearms restored or his or her privilege to carry a
9 concealed pistol restored, unless the person has been granted relief
10 from disabilities by the attorney general under 18 U.S.C. Sec.
11 925(c), or RCW 9.41.040 (3) or (4) applies.

12 (2)(a) The issuing authority shall conduct a check through the
13 national instant criminal background check system, the Washington
14 state patrol electronic database, the department of social and health
15 services electronic database, and with other agencies or resources as
16 appropriate, to determine whether the applicant is ineligible under
17 RCW 9.41.040 or 9.41.045 to possess a firearm, or is prohibited from
18 possessing a firearm under federal law, and therefore ineligible for
19 a concealed pistol license.

20 (b) The issuing authority shall deny a permit to anyone who is
21 found to be prohibited from possessing a firearm under federal or
22 state law.

23 (c) This subsection applies whether the applicant is applying for
24 a new concealed pistol license or to renew a concealed pistol
25 license.

26 (3) Any person whose firearms rights have been restricted and who
27 has been granted relief from disabilities by the attorney general
28 under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec.
29 921(a)(20)(A) shall have his or her right to acquire, receive,
30 transfer, ship, transport, carry, and possess firearms in accordance
31 with Washington state law restored except as otherwise prohibited by
32 this chapter.

33 (4) The license application shall bear the full name, residential
34 address, telephone number at the option of the applicant, date and
35 place of birth, race, gender, description, a complete set of
36 fingerprints, and signature of the licensee, and the licensee's
37 driver's license number or state identification card number if used
38 for identification in applying for the license. A signed application
39 for a concealed pistol license shall constitute a waiver of
40 confidentiality and written request that the department of social and

1 health services, mental health institutions, and other health care
2 facilities release information relevant to the applicant's
3 eligibility for a concealed pistol license to an inquiring court or
4 law enforcement agency.

5 The application for an original license shall include ~~((two))~~ a
6 complete set~~((s))~~ of fingerprints to be forwarded to the Washington
7 state patrol.

8 The license and application shall contain a warning substantially
9 as follows:

10 CAUTION: Although state and local laws do not differ, federal
11 law and state law on the possession of firearms differ. If
12 you are prohibited by federal law from possessing a firearm,
13 you may be prosecuted in federal court. A state license is
14 not a defense to a federal prosecution.

15 The license shall contain a description of the major differences
16 between state and federal law and an explanation of the fact that
17 local laws and ordinances on firearms are preempted by state law and
18 must be consistent with state law.

19 The application shall contain questions about the applicant's
20 eligibility under RCW 9.41.040 and federal law to possess a pistol,
21 the applicant's place of birth, and whether the applicant is a United
22 States citizen. If the applicant is not a United States citizen, the
23 applicant must provide the applicant's country of citizenship, United
24 States issued alien number or admission number, and the basis on
25 which the applicant claims to be exempt from federal prohibitions on
26 firearm possession by aliens. The applicant shall not be required to
27 produce a birth certificate or other evidence of citizenship. A
28 person who is not a citizen of the United States shall, if
29 applicable, meet the additional requirements of RCW 9.41.173 and
30 produce proof of compliance with RCW 9.41.173 upon application. The
31 license may be in triplicate or in a form to be prescribed by the
32 department of licensing.

33 The original thereof shall be delivered to the licensee, the
34 duplicate shall within seven days be sent to the director of
35 licensing and the triplicate shall be preserved for six years, by the
36 authority issuing the license.

37 The department of licensing shall make available to law
38 enforcement and corrections agencies, in an on-line format, all
39 information received under this subsection.

1 (5) The nonrefundable fee, paid upon application, for the
2 original five-year license shall be thirty-six dollars plus
3 additional charges imposed by the federal bureau of investigation
4 that are passed on to the applicant. No other state or local branch
5 or unit of government may impose any additional charges on the
6 applicant for the issuance of the license.

7 The fee shall be distributed as follows:

8 (a) Fifteen dollars shall be paid to the state general fund;

9 (b) Four dollars shall be paid to the agency taking the
10 fingerprints of the person licensed;

11 (c) Fourteen dollars shall be paid to the issuing authority for
12 the purpose of enforcing this chapter; and

13 (d) Three dollars to the firearms range account in the general
14 fund.

15 (6) The nonrefundable fee for the renewal of such license shall
16 be thirty-two dollars. No other branch or unit of government may
17 impose any additional charges on the applicant for the renewal of the
18 license.

19 The renewal fee shall be distributed as follows:

20 (a) Fifteen dollars shall be paid to the state general fund;

21 (b) Fourteen dollars shall be paid to the issuing authority for
22 the purpose of enforcing this chapter; and

23 (c) Three dollars to the firearms range account in the general
24 fund.

25 (7) The nonrefundable fee for replacement of lost or damaged
26 licenses is ten dollars to be paid to the issuing authority.

27 (8) Payment shall be by cash, check, or money order at the option
28 of the applicant. Additional methods of payment may be allowed at the
29 option of the issuing authority.

30 (9) A licensee may renew a license if the licensee applies for
31 renewal within ninety days before or after the expiration date of the
32 license. A license so renewed shall take effect on the expiration
33 date of the prior license. A licensee renewing after the expiration
34 date of the license must pay a late renewal penalty of ten dollars in
35 addition to the renewal fee specified in subsection (6) of this
36 section. The fee shall be distributed as follows:

37 (a) Three dollars shall be deposited in the state wildlife
38 account and used exclusively first for the printing and distribution
39 of a pamphlet on the legal limits of the use of firearms, firearms
40 safety, and the preemptive nature of state law, and subsequently the

1 support of volunteer instructors in the basic firearms safety
2 training program conducted by the department of fish and wildlife.
3 The pamphlet shall be given to each applicant for a license; and

4 (b) Seven dollars shall be paid to the issuing authority for the
5 purpose of enforcing this chapter.

6 (10) Notwithstanding the requirements of subsections (1) through
7 (9) of this section, the chief of police of the municipality or the
8 sheriff of the county of the applicant's residence may issue a
9 temporary emergency license for good cause pending review under
10 subsection (1) of this section. However, a temporary emergency
11 license issued under this subsection shall not exempt the holder of
12 the license from any records check requirement. Temporary emergency
13 licenses shall be easily distinguishable from regular licenses.

14 (11) A political subdivision of the state shall not modify the
15 requirements of this section or chapter, nor may a political
16 subdivision ask the applicant to voluntarily submit any information
17 not required by this section.

18 (12) A person who knowingly makes a false statement regarding
19 citizenship or identity on an application for a concealed pistol
20 license is guilty of false swearing under RCW 9A.72.040. In addition
21 to any other penalty provided for by law, the concealed pistol
22 license of a person who knowingly makes a false statement shall be
23 revoked, and the person shall be permanently ineligible for a
24 concealed pistol license.

25 (13) A person may apply for a concealed pistol license:

26 (a) To the municipality or to the county in which the applicant
27 resides if the applicant resides in a municipality;

28 (b) To the county in which the applicant resides if the applicant
29 resides in an unincorporated area; or

30 (c) Anywhere in the state if the applicant is a nonresident.

31 (14) Any person who, as a member of the armed forces, including
32 the national guard and armed forces reserves, is unable to renew his
33 or her license under subsections (6) and (9) of this section because
34 of the person's assignment, reassignment, or deployment for out-of-
35 state military service may renew his or her license within ninety
36 days after the person returns to this state from out-of-state
37 military service, if the person provides the following to the issuing
38 authority no later than ninety days after the person's date of
39 discharge or assignment, reassignment, or deployment back to this
40 state: (a) A copy of the person's original order designating the

1 specific period of assignment, reassignment, or deployment for out-
2 of-state military service, and (b) if appropriate, a copy of the
3 person's discharge or amended or subsequent assignment, reassignment,
4 or deployment order back to this state. A license so renewed under
5 this subsection (14) shall take effect on the expiration date of the
6 prior license. A licensee renewing after the expiration date of the
7 license under this subsection (14) shall pay only the renewal fee
8 specified in subsection (6) of this section and shall not be required
9 to pay a late renewal penalty in addition to the renewal fee.

10 **Sec. 2.** RCW 9.41.173 and 2009 c 216 s 3 are each amended to read
11 as follows:

12 (1) In order to obtain an alien firearm license, a nonimmigrant
13 alien residing in Washington must apply to the sheriff of the county
14 in which he or she resides.

15 (2) The sheriff of the county shall within sixty days after the
16 filing of an application of a nonimmigrant alien residing in the
17 state of Washington, issue an alien firearm license to such person to
18 carry or possess a firearm for the purposes of hunting and sport
19 shooting. The license shall be good for two years. The issuing
20 authority shall not refuse to accept completed applications for alien
21 firearm licenses during regular business hours. An application for a
22 license may not be denied, unless the applicant's alien firearm
23 license is in a revoked status, or the applicant:

24 (a) Is ineligible to possess a firearm under the provisions of
25 RCW 9.41.040 or 9.41.045;

26 (b) Is subject to a court order or injunction regarding firearms
27 pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045,
28 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060,
29 26.50.070, or 26.26.590;

30 (c) Is free on bond or personal recognizance pending trial,
31 appeal, or sentencing for a felony offense; or

32 (d) Has an outstanding warrant for his or her arrest from any
33 court of competent jurisdiction for a felony or misdemeanor.

34 No license application shall be granted to a nonimmigrant alien
35 convicted of a felony unless the person has been granted relief from
36 disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or
37 unless RCW 9.41.040 (3) or (4) applies.

38 (3) The sheriff shall check with the national crime information
39 center, the Washington state patrol electronic database, the

1 department of social and health services electronic database, and
2 with other agencies or resources as appropriate, to determine whether
3 the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess
4 a firearm.

5 (4) The license application shall bear the full name, residential
6 address, telephone number at the option of the applicant, date and
7 place of birth, race, gender, description, (~~not more than two~~) a
8 complete set(~~s~~) of fingerprints, and signature of the applicant, a
9 copy of the applicant's passport and visa showing the applicant is in
10 the country legally, and a valid Washington hunting license or
11 documentation that the applicant is a member of a sport shooting
12 club.

13 A signed application for an alien firearm license shall
14 constitute a waiver of confidentiality and written request that the
15 department of social and health services, mental health institutions,
16 and other health care facilities release information relevant to the
17 applicant's eligibility for an alien firearm license to an inquiring
18 court or law enforcement agency.

19 The application for an original license shall include a complete
20 set of fingerprints to be forwarded to the Washington state patrol.

21 The license and application shall contain a warning substantially
22 as follows:

23 CAUTION: Although state and local laws do not differ, federal
24 law and state law on the possession of firearms differ. If
25 you are prohibited by federal law from possessing a firearm,
26 you may be prosecuted in federal court. A state license is
27 not a defense to a federal prosecution.

28 The license shall contain a description of the major differences
29 between state and federal law and an explanation of the fact that
30 local laws and ordinances on firearms are preempted by state law and
31 must be consistent with state law. The application shall contain
32 questions about the applicant's eligibility under RCW 9.41.040 to
33 possess a firearm. The nonimmigrant alien applicant shall be required
34 to produce a passport and visa as evidence of being in the country
35 legally.

36 The license may be in triplicate or in a form to be prescribed by
37 the department of licensing. The original thereof shall be delivered
38 to the licensee, the duplicate shall within seven days be sent to the

1 director of licensing and the triplicate shall be preserved for six
2 years, by the authority issuing the license.

3 The department of licensing shall make available to law
4 enforcement and corrections agencies, in an online format, all
5 information received under this section.

6 (5) The sheriff has the authority to collect a nonrefundable fee,
7 paid upon application, for the two-year license. The fee shall be
8 fifty dollars plus additional charges imposed by the Washington state
9 patrol and the federal bureau of investigation that are passed on to
10 the applicant. No other state or local branch or unit of government
11 may impose any additional charges on the applicant for the issuance
12 of the license. The fee shall be retained by the sheriff.

13 (6) Payment shall be by cash, check, or money order at the option
14 of the applicant. Additional methods of payment may be allowed at the
15 option of the sheriff.

16 (7) A political subdivision of the state shall not modify the
17 requirements of this section, nor may a political subdivision ask the
18 applicant to voluntarily submit any information not required by this
19 section.

20 (8) A person who knowingly makes a false statement regarding
21 citizenship or identity on an application for an alien firearm
22 license is guilty of false swearing under RCW 9A.72.040. In addition
23 to any other penalty provided for by law, the alien firearm license
24 of a person who knowingly makes a false statement shall be revoked,
25 and the person shall be permanently ineligible for an alien firearm
26 license.

27 **Sec. 3.** RCW 9A.44.130 and 2015 c 261 s 3 are each amended to
28 read as follows:

29 (1)(a) Any adult or juvenile residing whether or not the person
30 has a fixed residence, or who is a student, is employed, or carries
31 on a vocation in this state who has been found to have committed or
32 has been convicted of any sex offense or kidnapping offense, or who
33 has been found not guilty by reason of insanity under chapter 10.77
34 RCW of committing any sex offense or kidnapping offense, shall
35 register with the county sheriff for the county of the person's
36 residence, or if the person is not a resident of Washington, the
37 county of the person's school, or place of employment or vocation, or
38 as otherwise specified in this section. When a person required to
39 register under this section is in custody of the state department of

1 corrections, the state department of social and health services, a
2 local division of youth services, or a local jail or juvenile
3 detention facility as a result of a sex offense or kidnapping
4 offense, the person shall also register at the time of release from
5 custody with an official designated by the agency that has
6 jurisdiction over the person.

7 (b) Any adult or juvenile who is required to register under (a)
8 of this subsection must give notice to the county sheriff of the
9 county with whom the person is registered within three business days:

10 (i) Prior to arriving at a school or institution of higher
11 education to attend classes;

12 (ii) Prior to starting work at an institution of higher
13 education; or

14 (iii) After any termination of enrollment or employment at a
15 school or institution of higher education.

16 (2)(a) A person required to register under this section must
17 provide the following information when registering: (i) Name and any
18 aliases used; (ii) complete and accurate residential address or, if
19 the person lacks a fixed residence, where he or she plans to stay;
20 (iii) date and place of birth; (iv) place of employment; (v) crime
21 for which convicted; (vi) date and place of conviction; (vii) social
22 security number; (viii) photograph; and (ix) fingerprints.

23 (b) A person may be required to update any of the information
24 required in this subsection in conjunction with any address
25 verification conducted by the county sheriff or as part of any notice
26 required by this section.

27 (c) A photograph or copy of an individual's fingerprints, which
28 may include palmprints may be taken at any time to update an
29 individual's file.

30 (3) Any person required to register under this section who
31 intends to travel outside the United States must provide, by
32 certified mail, with return receipt requested, or in person, signed
33 written notice of the plan to travel outside the country to the
34 county sheriff of the county with whom the person is registered at
35 least twenty-one days prior to travel. The notice shall include the
36 following information: (a) Name; (b) passport number and country; (c)
37 destination; (d) itinerary details including departure and return
38 dates; (e) means of travel; and (f) purpose of travel. If the
39 offender subsequently cancels or postpones travel outside the United
40 States, the offender must notify the county sheriff not later than

1 three days after cancellation or postponement of the intended travel
2 outside the United States or on the departure date provided in the
3 notification, whichever is earlier. The county sheriff shall notify
4 the United States marshals service as soon as practicable after
5 receipt of the notification. In cases of unexpected travel due to
6 family or work emergencies, or for offenders who travel routinely
7 across international borders for work-related purposes, the notice
8 must be submitted in person at least twenty-four hours prior to
9 travel to the sheriff of the county where such offenders are
10 registered with a written explanation of the circumstances that make
11 compliance with this subsection (3) impracticable.

12 (4)(a) Offenders shall register with the county sheriff within
13 the following deadlines:

14 (i) OFFENDERS IN CUSTODY. Sex offenders or kidnapping offenders
15 who are 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, must
18 register at the time of release from custody with an official
19 designated by the agency that has jurisdiction over the offender. The
20 agency shall within three days forward the registration information
21 to the county sheriff for the county of the offender's anticipated
22 residence. The offender must also register within three business days
23 from the time of release with the county sheriff for the county of
24 the person's residence, or if the person is not a resident of
25 Washington, the county of the person's school, or place of employment
26 or vocation. The agency that has jurisdiction over the offender shall
27 provide notice to the offender of the duty to register.

28 When the agency with jurisdiction intends to release an offender
29 with a duty to register under this section, and the agency has
30 knowledge that the offender is eligible for developmental disability
31 services from the department of social and health services, the
32 agency shall notify the division of developmental disabilities of the
33 release. Notice shall occur not more than thirty days before the
34 offender is to be released. The agency and the division shall assist
35 the offender in meeting the initial registration requirement under
36 this section. Failure to provide such assistance shall not constitute
37 a defense for any violation of this section.

38 When a person required to register under this section is in the
39 custody of the state department of corrections or a local corrections
40 or probations agency and has been approved for partial confinement as

1 defined in RCW 9.94A.030, the person must register at the time of
2 transfer to partial confinement with the official designated by the
3 agency that has jurisdiction over the offender. The agency shall
4 within three days forward the registration information to the county
5 sheriff for the county in which the offender is in partial
6 confinement. The offender must also register within three business
7 days from the time of the termination of partial confinement or
8 release from confinement with the county sheriff for the county of
9 the person's residence. The agency that has jurisdiction over the
10 offender shall provide notice to the offender of the duty to
11 register.

12 (ii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders or
13 kidnapping offenders who are in the custody of the United States
14 bureau of prisons or other federal or military correctional agency
15 must register within three business days from the time of release
16 with the county sheriff for the county of the person's residence, or
17 if the person is not a resident of Washington, the county of the
18 person's school, or place of employment or vocation.

19 (iii) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
20 who are convicted of a sex offense and kidnapping offenders who are
21 convicted for a kidnapping offense but who are not sentenced to serve
22 a term of confinement immediately upon sentencing shall report to the
23 county sheriff to register within three business days of being
24 sentenced.

25 (iv) OFFENDERS WHO ARE NEW RESIDENTS, TEMPORARY RESIDENTS, OR
26 RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping
27 offenders who move to Washington state from another state or a
28 foreign country must register within three business days of
29 establishing residence or reestablishing residence if the person is a
30 former Washington resident. If the offender is under the jurisdiction
31 of an agency of this state when the offender moves to Washington, the
32 agency shall provide notice to the offender of the duty to register.

33 Sex offenders and kidnapping offenders who are visiting
34 Washington state and intend to reside or be present in the state for
35 ten days or more shall register his or her temporary address or where
36 he or she plans to stay with the county sheriff of each county where
37 the offender will be staying within three business days of arrival.
38 Registration for temporary residents shall include the information
39 required by subsection (2)(a) of this section, except the photograph
40 and fingerprints.

1 (v) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
2 or juvenile who has been found not guilty by reason of insanity under
3 chapter 10.77 RCW of committing a sex offense or a kidnapping offense
4 and who is in custody, as a result of that finding, of the state
5 department of social and health services, must register within three
6 business days from the time of release with the county sheriff for
7 the county of the person's residence. The state department of social
8 and health services shall provide notice to the adult or juvenile in
9 its custody of the duty to register.

10 (vi) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a
11 fixed residence and leaves the county in which he or she is
12 registered and enters and remains within a new county for twenty-four
13 hours is required to register with the county sheriff not more than
14 three business days after entering the county and provide the
15 information required in subsection (2)(a) of this section.

16 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
17 SUPERVISION. Offenders who lack a fixed residence and who are under
18 the supervision of the department shall register in the county of
19 their supervision.

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

32 (b) The county sheriff shall not be required to determine whether
33 the person is living within the county.

34 (c) An arrest on charges of failure to register, service of an
35 information, or a complaint for a violation of RCW 9A.44.132, or
36 arraignment on charges for a violation of RCW 9A.44.132, constitutes
37 actual notice of the duty to register. Any person charged with the
38 crime of failure to register under RCW 9A.44.132 who asserts as a
39 defense the lack of notice of the duty to register shall register
40 within three business days following actual notice of the duty

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

7 (5)(a) If any person required to register pursuant to this
8 section changes his or her residence address within the same county,
9 the person must provide, by certified mail, with return receipt
10 requested or in person, signed written notice of the change of
11 address to the county sheriff within three business days of moving.

12 (b) If any person required to register pursuant to this section
13 moves to a new county, within three business days of moving the
14 person must register with the county sheriff of the county into which
15 the person has moved and provide, by certified mail, with return
16 receipt requested or in person, signed written notice of the change
17 of address to the county sheriff with whom the person last
18 registered. The county sheriff with whom the person last registered
19 is responsible for address verification pursuant to RCW 9A.44.135
20 until the person completes registration of his or her new residence
21 address.

22 (6)(a) Any person required to register under this section who
23 lacks a fixed residence shall provide signed written notice to the
24 sheriff of the county where he or she last registered within three
25 business days after ceasing to have a fixed residence. The notice
26 shall include the information required by subsection (2)(a) of this
27 section, except the photograph (~~and~~), fingerprints, and palmprints.
28 The county sheriff may, for reasonable cause, require the offender to
29 provide a photograph and fingerprints. The sheriff shall forward this
30 information to the sheriff of the county in which the person intends
31 to reside, if the person intends to reside in another county.

32 (b) A person who lacks a fixed residence must report weekly, in
33 person, to the sheriff of the county where he or she is registered.
34 The weekly report shall be on a day specified by the county sheriff's
35 office, and shall occur during normal business hours. The person must
36 keep an accurate accounting of where he or she stays during the week
37 and provide it to the county sheriff upon request. The lack of a
38 fixed residence is a factor that may be considered in determining an
39 offender's risk level and shall make the offender subject to

1 disclosure of information to the public at large pursuant to RCW
2 4.24.550.

3 (c) If any person required to register pursuant to this section
4 does not have a fixed residence, it is an affirmative defense to the
5 charge of failure to register, that he or she provided written notice
6 to the sheriff of the county where he or she last registered within
7 three business days of ceasing to have a fixed residence and has
8 subsequently complied with the requirements of subsections (4)(a)(vi)
9 or (vii) and (6) of this section. To prevail, the person must prove
10 the defense by a preponderance of the evidence.

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

27 (8) Except as may otherwise be provided by law, nothing in this
28 section shall impose any liability upon a peace officer, including a
29 county sheriff, or law enforcement agency, for failing to release
30 information authorized under this section."

HB 1965 - S COMM AMD

By Committee on Law & Justice

ADOPTED 03/31/2017

31 On page 1, line 2 of the title, after "records;" strike the
32 remainder of the title and insert "and amending RCW 9.41.070,
33 9.41.173, and 9A.44.130."

EFFECT: Removes provisions authorizing law enforcement to collect the palm prints of lawfully arrested adults as this authority already exists in statute.

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