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**SENATE BILL 5244**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Short, Dhingra, Wilson, L., and Das

Read first time 01/16/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to creating a domestic violence offender  
2 registry; amending RCW 4.24.130; adding new sections to chapter 10.99  
3 RCW; adding a new section to chapter 43.43 RCW; and creating new  
4 sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that domestic  
7 violence is a serious and pervasive issue facing many Washington  
8 families and communities, and many of the most severe crimes that  
9 occur in this state are those involving intimate partner and family  
10 violence. Domestic violence offenses carry wide ranging effects,  
11 including injury to mental and physical health, erosion of economic  
12 and housing stability, and vicarious victimization of children, who  
13 are often bystander witnesses. Washington state data demonstrates a  
14 high rate of reoffense among perpetrators of domestic violence, and  
15 there is currently no way of knowing whether any particular person  
16 has an offense history in absence of a criminal background check or  
17 court records request.

18 The establishment of a searchable public registry of serious  
19 domestic violence offenders is an important step toward preventing  
20 future victimization and reducing overall rates of domestic violence.  
21 The legislature does not intend for the registry to be punitive or an

1 extension of punishment. Instead, it serves as a reasonable  
2 regulatory scheme designed to facilitate public access to  
3 identification and relevant criminal history information for a subset  
4 of particularly dangerous domestic violence offenders with repeated  
5 or felony-level offenses. Members of the public have a compelling  
6 interest in identifying serious domestic violence offenders so that  
7 they may make informed decisions in furtherance of personal security.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.99  
9 RCW to read as follows:

10 The definitions in this section apply to sections 3 and 5 through  
11 9 of this act unless the context clearly requires otherwise.

12 (1) "Conviction" means any adult conviction, juvenile  
13 adjudication, or finding of not guilty by reason of insanity.

14 (2) "Disqualifying offense" means a conviction for any felony or  
15 any domestic violence offense.

16 (3) "Domestic violence offense" means any conviction for a crime  
17 in which domestic violence as defined in RCW 9.94A.030 was pleaded  
18 and proven.

19 (4) "Qualifying domestic violence offense" means a conviction for  
20 any domestic violence offense that either:

21 (a) Is a felony; or

22 (b) Is not a felony and the convicted person has one or more  
23 prior or simultaneously entered convictions for a domestic violence  
24 offense or any federal or out-of-state conviction for an offense that  
25 under the laws of this state would be classified as a domestic  
26 violence offense if the offense occurred in Washington.

27 (5) "Serious domestic violence offender" means any person who is  
28 convicted of a qualifying domestic violence offense and ordered to  
29 appear on the serious domestic violence offender registry established  
30 under section 4 of this act.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.99  
32 RCW to read as follows:

33 (1) On or after the effective date of this section, when a person  
34 is convicted of a qualifying domestic violence offense, the court  
35 must enter an order designating the person a serious domestic  
36 violence offender and requiring that the person appear on the serious  
37 domestic violence offender registry established under section 4 of  
38 this act.

1 (2) A court entering an order under subsection (1) of this  
2 section shall provide notice to the person of his or her status as a  
3 serious domestic violence offender and that he or she will appear on  
4 the serious domestic violence offender registry for the applicable  
5 time period established in section 5 of this act. The notice must be  
6 included on any guilty plea forms and judgment and sentence forms  
7 provided to the person.

8 (3) The clerk of the court in which the person was convicted of  
9 the qualifying domestic violence offense must forward, electronically  
10 or otherwise, to the Washington state patrol, a copy of the judgment  
11 and sentence and, to the extent known, the information set out in  
12 section 4(2) of this act.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43  
14 RCW to read as follows:

15 (1) The Washington state patrol must maintain a central registry  
16 of serious domestic violence offenders. The central registry must be  
17 made available to the public through a searchable web site.

18 (2) To the extent information is available, the web site must  
19 contain, but is not limited to, the following information pertaining  
20 to each serious domestic violence offender:

21 (a) Name;

22 (b) Date of birth;

23 (c) All domestic violence offense convictions, including  
24 conviction dates and county and state of conviction;

25 (d) Address by hundred block;

26 (e) Photograph; and

27 (f) Any other identifying data the Washington state patrol deems  
28 necessary for the public to properly identify the person, but shall  
29 not include the person's social security number.

30 (3) The Washington state patrol may use any verified photo of the  
31 serious domestic violence offender that is available, including but  
32 not limited to the photograph taken at the offender's booking.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 10.99  
34 RCW to read as follows:

35 A serious domestic violence offender shall continue to appear on  
36 the serious domestic violence offender registry for the longest  
37 qualifying duration provided in this section.

1 (1) A serious domestic violence offender shall appear on the  
2 registry indefinitely when:

3 (a) The offender's present qualifying domestic violence offense  
4 conviction is for a class A felony; or

5 (b) The offender was previously convicted of a domestic violence  
6 offense that is a class A felony or has one or more prior federal or  
7 out-of-state convictions for an offense that would be a class A  
8 felony domestic violence offense if committed in Washington.

9 (2) Unless subsection (1) of this section applies, a serious  
10 domestic violence offender shall appear on the registry for a period  
11 of fifteen consecutive years in the community without being convicted  
12 of a disqualifying offense when:

13 (a) The offender's present qualifying domestic violence offense  
14 conviction is for a class B felony; or

15 (b) The offender was previously convicted of a domestic violence  
16 offense that is a class B felony or has one or more prior federal or  
17 out-of-state convictions for an offense that would be a class B  
18 felony domestic violence offense if committed in Washington.

19 (3) Unless subsection (1) or (2) of this section applies, a  
20 serious domestic violence offender shall appear on the registry for a  
21 period of ten consecutive years in the community without being  
22 convicted of a disqualifying offense.

23 (4) The time periods in subsections (2) and (3) of this section  
24 run from the last date of release from confinement following the  
25 conviction for the qualifying offense, if any, or the date of entry  
26 of the judgment and sentence for the qualifying offense, whichever is  
27 later.

28 (5) Nothing in this section prevents a person from being removed  
29 from the registry under the process provided in section 7 of this  
30 act.

31 (6) Nothing in RCW 9.94A.637 relating to discharge of an offender  
32 shall be construed as operating to relieve the offender of his or her  
33 inclusion on the serious domestic violence offender registry pursuant  
34 to this chapter.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 10.99  
36 RCW to read as follows:

37 (1) Upon the request of a person who appears on the serious  
38 domestic violence offender registry, the Washington state patrol

1 shall investigate whether the person's registration period has ended  
2 by operation of law pursuant to section 5 of this act.

3 (a) Using available records, the Washington state patrol shall  
4 verify that the person has spent the requisite time in the community  
5 and has not been convicted of a disqualifying offense during that  
6 time.

7 (b) If the Washington state patrol determines the person's  
8 registration period has ended by operation of law, the Washington  
9 state patrol shall remove the person from the central registry.

10 (2) Nothing in this subsection prevents the Washington state  
11 patrol from investigating, upon its own initiative, whether a  
12 person's registration period has ended by operation of law pursuant  
13 to section 5 of this act.

14 (3) The Washington state patrol and its employees are immune from  
15 civil liability for damages for removing a person from the central  
16 registry of serious domestic violence offenders or the failure to  
17 remove a person from the registry according to the time frames  
18 provided in section 5 of this act.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 10.99  
20 RCW to read as follows:

21 (1) Except as provided in subsection (2) this section, a serious  
22 domestic violence offender may petition the superior court for  
23 removal from the serious domestic violence offender registry when he  
24 or she has spent ten consecutive years in the community without being  
25 convicted of a disqualifying offense during that time period.

26 (2) A serious domestic violence offender whose appearance on the  
27 serious domestic violence offender registry is based exclusively on  
28 one or more domestic violence offenses committed as a juvenile may  
29 petition for removal from the serious domestic violence offender  
30 registry under the following timelines:

31 (a) If the offense or offenses requiring registration include any  
32 class A felony domestic violence offenses, the offender may petition  
33 when: (i) At least five years have passed since the petitioner's  
34 adjudication and completion of any term of confinement for the  
35 offense or offenses giving rise to inclusion on the registry; and  
36 (ii) the petitioner has not been adjudicated or convicted of any  
37 disqualifying offenses within the five years before the petition.

38 (b) For all other domestic violence offenses committed by a  
39 juvenile not included in (a) of this subsection, the offender may

1 petition when: (i) At least twenty-four months have passed since the  
2 petitioner's adjudication and completion of any term of confinement  
3 for the offense giving rise to inclusion on the registry; and (ii)  
4 the petitioner has not been adjudicated or convicted of any  
5 disqualifying offenses within the twenty-four months before the  
6 petition.

7 (3) A petition for relief from registration must be made to the  
8 court in which the petitioner was ordered to be included on the  
9 serious domestic violence offender registry. The prosecuting attorney  
10 of the county must be named and served as the respondent in any  
11 petition. The prosecuting attorney must make reasonable efforts to  
12 notify the victim via the victim's choice of telephone, letter, or  
13 email, if known.

14 (4) (a) The court may order the petitioner's removal from the  
15 registry only if the petitioner shows by clear and convincing  
16 evidence that the petitioner is sufficiently rehabilitated to warrant  
17 removal from the registry. If the petitioner's inclusion on the  
18 registry is based entirely on offenses committed while the petitioner  
19 was a juvenile, the petitioner's burden of proof shall be a  
20 preponderance of the evidence that the petitioner is sufficiently  
21 rehabilitated to warrant removal from the registry.

22 (b) In determining whether the petitioner is sufficiently  
23 rehabilitated to warrant removal from the registry, the following  
24 factors are provided as guidance to assist the court in making its  
25 determination:

26 (i) The nature of the domestic violence offenses committed,  
27 including the number of victims and the length of the offense  
28 history;

29 (ii) Any subsequent criminal history;

30 (iii) The petitioner's compliance with any applicable supervision  
31 requirements;

32 (iv) The length of time since the charged incident(s) occurred;

33 (v) Any input from community corrections officers, law  
34 enforcement, treatment providers, or other criminal justice  
35 professionals;

36 (vi) The petitioner's stability in employment and housing;

37 (vii) The petitioner's community and personal support system;

38 (viii) Any risk assessments or evaluations prepared by a  
39 qualified professional; and

40 (ix) Any other factors the court may consider relevant.

1 (5) If a serious domestic violence offender's entry on the  
2 registry lists an offense for which the conviction is subsequently  
3 sealed, vacated, overturned, or otherwise set aside by court order,  
4 the serious domestic violence offender may petition the court for  
5 removal of the offense from the registry. If the court finds that the  
6 offense conviction has been sealed, vacated, overturned, or otherwise  
7 set aside by court order, the court must order that the offense be  
8 removed from the registry.

9 (6) If a person is granted an order of removal from the registry  
10 or removal of an offense from the registry pursuant to this section,  
11 the order of removal does not constitute a certificate of  
12 rehabilitation, or the equivalent of a certificate of rehabilitation,  
13 for the purposes of restoration of firearm possession under RCW  
14 9.41.040.

15 (7) If the court orders removal from the registry or removal of  
16 an offense from the registry, the court must send a copy of the order  
17 to the Washington state patrol. The Washington state patrol must  
18 remove the person from the registry within thirty calendar days.

19 NEW SECTION. **Sec. 8.** A new section is added to chapter 10.99  
20 RCW to read as follows:

21 (1) The Washington state patrol must notify registered serious  
22 domestic violence offenders of any changes to the registration  
23 requirements.

24 (2) No less than annually, the Washington state patrol must  
25 notify any offender included on the serious domestic violence  
26 offender registry for one or more offenses committed exclusively when  
27 the offender was a juvenile of their ability to petition for relief  
28 from registration as provided in section 7 of this act.

29 (3) For economic efficiency, the Washington state patrol may  
30 combine the notices in this section into one notice.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 10.99  
32 RCW to read as follows:

33 A serious domestic violence offender who applies to change his or  
34 her name under RCW 4.24.130 or any other law shall submit a copy of  
35 the application to the Washington state patrol not fewer than five  
36 days before the entry of an order granting the name change. A serious  
37 domestic violence offender may not be granted an order changing his  
38 or her name under RCW 4.24.130 or any other law if the court finds

1 that doing so will interfere with legitimate law enforcement  
2 interests, except that no order may be denied when the name change is  
3 requested for religious or legitimate cultural reasons or in  
4 recognition of marriage or dissolution of marriage. A court granting  
5 an order changing the name of a serious domestic violence offender  
6 must submit a copy of the order to the Washington state patrol within  
7 seventy-two hours of the entry of the order.

8 **Sec. 10.** RCW 4.24.130 and 1998 c 220 s 5 are each amended to  
9 read as follows:

10 (1) Any person desiring a change of his or her name or that of  
11 his or her child or ward, may apply therefor to the district court of  
12 the judicial district in which he or she resides, by petition setting  
13 forth the reasons for such change; thereupon such court in its  
14 discretion may order a change of the name and thenceforth the new  
15 name shall be in place of the former.

16 (2) An offender under the jurisdiction of the department of  
17 corrections who applies to change his or her name under subsection  
18 (1) of this section shall submit a copy of the application to the  
19 department of corrections not fewer than five days before the entry  
20 of an order granting the name change. No offender under the  
21 jurisdiction of the department of corrections at the time of  
22 application shall be granted an order changing his or her name if the  
23 court finds that doing so will interfere with legitimate penological  
24 interests, except that no order shall be denied when the name change  
25 is requested for religious or legitimate cultural reasons or in  
26 recognition of marriage or dissolution of marriage. An offender under  
27 the jurisdiction of the department of corrections who receives an  
28 order changing his or her name shall submit a copy of the order to  
29 the department of corrections within five days of the entry of the  
30 order. Violation of this subsection is a misdemeanor.

31 (3) A sex offender subject to registration under RCW 9A.44.130  
32 who applies to change his or her name under subsection (1) of this  
33 section shall follow the procedures set forth in RCW 9A.44.130(~~(+6)~~)  
34 (7).

35 (4) A serious domestic violence offender subject to registration  
36 under section 3 of this act who applies to change his or her name  
37 under subsection (1) of this section shall follow the procedures set  
38 forth in section 9 of this act.

1        (5) The district court shall collect the fees authorized by RCW  
2 36.18.010 for filing and recording a name change order, and transmit  
3 the fee and the order to the county auditor. The court may collect a  
4 reasonable fee to cover the cost of transmitting the order to the  
5 county auditor.

6        (~~(5)~~) (6) Name change petitions may be filed and shall be heard  
7 in superior court when the person desiring a change of his or her  
8 name or that of his or her child or ward is a victim of domestic  
9 violence as defined in RCW 26.50.010(~~(1)~~) and the person seeks to  
10 have the name change file sealed due to reasonable fear for his or  
11 her safety or that of his or her child or ward. Upon granting the  
12 name change, the superior court shall seal the file if the court  
13 finds that the safety of the person seeking the name change or his or  
14 her child or ward warrants sealing the file. In all cases filed under  
15 this subsection, whether or not the name change petition is granted,  
16 there shall be no public access to any court record of the name  
17 change filing, proceeding, or order, unless the name change is  
18 granted but the file is not sealed.

19        NEW SECTION.    **Sec. 11.**    The Washington state patrol may adopt  
20 rules necessary to implement this act.

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