
HOUSE BILL 2340

State of Washington

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By Representatives Long, Appelwick, Johanson, Padden, Karahalios, Brough, Talcott, Sheahan, Wood, Forner, Dyer, Chandler, Shin, Mielke and Springer

Read first time 01/14/94. Referred to Committee on Corrections.

1 AN ACT Relating to sex offender registration; amending RCW
2 9A.44.130; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** This act is intended to clarify existing law
5 and is not intended to reflect a substantive change in the law.

6 **Sec. 2.** RCW 9A.44.130 and 1991 c 274 s 2 are each amended to read
7 as follows:

8 (1) Any adult or juvenile residing in this state who has been found
9 to have committed or has been convicted of any sex offense shall
10 register with the county sheriff for the county of the person's
11 residence.

12 (2) The person shall provide the county sheriff with the following
13 information when registering: (a) Name; (b) address; (c) date and
14 place of birth; (d) place of employment; (e) crime for which convicted;
15 (f) date and place of conviction; (g) aliases used; and (h) social
16 security number.

1 (3)(a) Sex offenders shall register within the following deadlines.
2 For purposes of this section the term "conviction" refers to adult
3 convictions and juvenile adjudications for sex offenses:

4 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex
5 offense on, before, or after February 28, 1990, and who, on or after
6 July 28, 1991, are in custody, as a result of that offense, of the
7 state department of corrections, the state department of social and
8 health services, a local division of youth services, or a local jail or
9 juvenile detention facility, must register within twenty-four hours
10 from the time of release with the county sheriff for the county of the
11 person's residence. The agency that has jurisdiction over the offender
12 shall provide notice to the sex offender of the duty to register.
13 Failure to register within twenty-four hours of release constitutes a
14 violation of this section and is punishable as provided in subsection
15 (7) of this section.

16 (ii) SEX 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 correction's active supervision ((of
20 the state)), as defined by the department of corrections, the state
21 department of social and health services, or a local division of youth
22 services, for sex offenses committed before, on, or after February 28,
23 1990, must register within ten days of July 28, 1991. A change in
24 supervision status of a sex offender who was required to register under
25 this subsection (3)(a)(ii) as of July 28, 1991, shall not relieve the
26 offender of the duty to register or to reregister following a change in
27 residence. The obligation to register shall only cease pursuant to RCW
28 9A.44.140.

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

35 (iv) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
36 RESIDENTS. Sex offenders who move to Washington state from another
37 state that are not under the jurisdiction of the state department of
38 corrections, the indeterminate sentence review board, or the state
39 department of social and health services at the time of moving to

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

13 (b) Failure to register within the time required under this section
14 constitutes a per se violation of this section and is punishable as
15 provided in subsection (7) of this section. The county sheriff shall
16 not be required to determine whether the person is living within the
17 county.

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

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

33 (4) If any person required to register pursuant to this section
34 changes his or her residence address within the same county, the person
35 must send written notice of the change of address to the county sheriff
36 within ten days of establishing the new residence. If any person
37 required to register pursuant to this section moves to a new county,
38 the person must register with the county sheriff in the new county
39 within ten days of establishing the new residence. The person must

1 also send written notice within ten days of the change of address in
2 the new county to the county sheriff with whom the person last
3 registered.

4 (5) The county sheriff shall obtain a photograph of the individual
5 and shall obtain a copy of the individual's fingerprints.

6 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,
7 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex
8 offense by RCW 9.94A.030.

9 (7) A person who knowingly fails to register as required by this
10 section is guilty of a class C felony if the crime for which the
11 individual was convicted was a class A felony or a federal or out-of-
12 state conviction for an offense that under the laws of this state would
13 be a class A felony. If the crime was other than a class A felony or
14 a federal or out-of-state conviction for an offense that under the laws
15 of this state would be a class A felony, violation of this section is
16 a gross misdemeanor.

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