
SUBSTITUTE HOUSE BILL 2611

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Johanson, Morris, Long, Heavey, Eide, Appelwick, Forner, Brumsickle, Shin, Campbell, Sheldon, Quall, Jones, Brough, Schoesler, Moak, Kremen, Silver, Kessler, L. Thomas, Springer, Tate, Mielke, Cooke, Van Luven, Talcott, Reams and Chandler)

Read first time 02/04/94.

1 AN ACT Relating to registration of sex offenders; amending RCW
2 9A.44.130; and prescribing penalties.

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

4 **Sec. 1.** RCW 9A.44.130 and 1991 c 274 s 2 are each amended to read
5 as follows:

6 (1) Any adult or juvenile residing in this state who has been found
7 to have committed or has been convicted of any sex offense shall
8 register with the county sheriff for the county of the person's primary
9 residence. A person required to register as a sex offender shall not
10 be registered in more than one county.

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

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

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

13 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
14 JURISDICTION. Sex offenders, who, on July 28, 1991, are not in custody
15 but are under the jurisdiction of the indeterminate sentence review
16 board or under the active supervision of the state department of
17 corrections, the state department of social and health services, or a
18 local division of youth services, for sex offenses committed before,
19 on, or after February 28, 1990, must register within ten days of July
20 28, 1991.

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

27 (iv) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
28 RESIDENTS. Sex offenders who move to Washington state from another
29 state that are not under the jurisdiction of the state department of
30 corrections, the indeterminate sentence review board, or the state
31 department of social and health services at the time of moving to
32 Washington, must register within thirty days of establishing residence
33 or reestablishing residence if the person is a former Washington
34 resident. The duty to register under this subsection applies to sex
35 offenders convicted under the laws of another state, federal statutes,
36 or Washington state for offenses committed on or after February 28,
37 1990. Sex offenders from other states who, when they move to
38 Washington, are under the jurisdiction of the department of
39 corrections, the indeterminate sentence review board, or the department

1 of social and health services must register within twenty-four hours of
2 moving to Washington. The agency that has jurisdiction over the
3 offender shall notify the offender of the registration requirements
4 before the offender moves to Washington.

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

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

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

25 (4) If any person required to register pursuant to this section
26 changes his or her residence address within the same county, the person
27 must send written notice of the change of address to the county sheriff
28 within ten days of establishing the new residence. If any person
29 required to register pursuant to this section moves to a new county,
30 the person must register with the county sheriff in the new county
31 within ten days of establishing the new residence. The person must
32 also send written notice within ten days of the change of address in
33 the new county to the county sheriff with whom the person last
34 registered.

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

37 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,
38 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex
39 offense by RCW 9.94A.030.

1 (7) A person who knowingly fails to register as required by this
2 section is guilty of a class C felony (~~(if the crime for which the~~
3 ~~individual was convicted was a class A felony or a federal or out-of-~~
4 ~~state conviction for an offense that under the laws of this state would~~
5 ~~be a class A felony. If the crime was other than a class A felony or~~
6 ~~a federal or out-of-state conviction for an offense that under the laws~~
7 ~~of this state would be a class A felony, violation of this section is~~
8 ~~a gross misdemeanor)).~~

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