

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2424

Chapter 91, Laws of 2000

56th Legislature
2000 Regular Session

SEX OFFENDERS--REGISTRATION--MONITORING

EFFECTIVE DATE: 6/8/00

Passed by the House March 4, 2000
Yeas 96 Nays 0

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 1, 2000
Yeas 44 Nays 0

BRAD OWEN
President of the Senate

Approved March 24, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2424** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 24, 2000 - 2:42 p.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2424

Passed Legislature - 2000 Regular Session

AS AMENDED BY THE SENATE

State of Washington

56th Legislature

2000 Regular Session

By Representatives Ballasiotes and O'Brien; by request of Department of Community, Trade, and Economic Development and Department of Corrections

Read first time 01/12/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to compliance with federal standards for monitoring
2 sex offenders; amending RCW 9A.44.135 and 9A.44.140; and reenacting and
3 amending RCW 9A.44.130 and 70.48.470.

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

5 **Sec. 1.** RCW 9A.44.135 and 1999 c 196 s 15 are each amended to read
6 as follows:

7 (1) When an offender registers with the county sheriff pursuant to
8 RCW 9A.44.130, the county sheriff shall notify the police chief or town
9 marshal of the jurisdiction in which the offender has registered to
10 live. If the offender registers to live in an unincorporated area of
11 the county, the sheriff shall make reasonable attempts to verify that
12 the offender is residing at the registered address. If the offender
13 registers to live in an incorporated city or town, the police chief or
14 town marshal shall make reasonable attempts to verify that the offender
15 is residing at the registered address. Reasonable attempts at
16 verifying an address shall include at a minimum:

17 (a) For offenders who have not been previously designated sexually
18 violent predators under chapter 71.09 RCW or an equivalent procedure in
19 another jurisdiction, each year the chief law enforcement officer of

1 the jurisdiction where the offender is registered to live shall send by
2 certified mail, with return receipt requested, a nonforwardable
3 verification form to the offender at the offender's last registered
4 address.

5 (b) For offenders who have been previously designated sexually
6 violent predators under chapter 71.09 RCW or the equivalent procedure
7 in another jurisdiction, even if the designation has subsequently been
8 removed, every ninety days the county sheriff shall send by certified
9 mail, with return receipt requested, a nonforwardable verification form
10 to the offender at the offender's last registered address.

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

16 (2) The chief law enforcement officer of the jurisdiction where the
17 offender has registered to live shall make reasonable attempts to
18 locate any sex offender who fails to return the verification form or
19 who cannot be located at the registered address. If the offender fails
20 to return the verification form or the offender is not at the last
21 registered address, the chief law enforcement officer of the
22 jurisdiction where the offender has registered to live shall promptly
23 forward this information to the county sheriff and to the Washington
24 state patrol for inclusion in the 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 **Sec. 2.** RCW 9A.44.130 and 1999 sp.s. c 6 s 2 and 1999 c 352 s 9
31 are each reenacted and amended to read as follows:

32 (1) Any adult or juvenile residing whether or not the person has a
33 fixed residence, or who is a student, is employed, or carries on a
34 vocation in this state who has been found to have committed or has been
35 convicted of any sex offense or kidnapping offense, or who has been
36 found not guilty by reason of insanity under chapter 10.77 RCW of
37 committing any sex offense or kidnapping offense, shall register with
38 the county sheriff for the county of the person's residence, or if the

1 person is not a resident of Washington, the county of the person's
2 school, or place of employment or vocation, or as otherwise specified
3 in this section. Where a person required to register under this
4 section is in custody of the state department of corrections, the state
5 department of social and health services, a local division of youth
6 services, or a local jail or juvenile detention facility as a result of
7 a sex offense or kidnapping offense, the person shall also register at
8 the time of release from custody with an official designated by the
9 agency that has jurisdiction over the person. In addition, any such
10 adult or juvenile who is admitted to a public or private institution of
11 higher education shall, within ten days of enrolling or by the first
12 business day after arriving at the institution, whichever is earlier,
13 notify the sheriff for the county of the person's residence of the
14 person's intent to attend the institution. Persons required to
15 register under this section who are enrolled in a public or private
16 institution of higher education on June 11, 1998, must notify the
17 county sheriff immediately. The sheriff shall notify the institution's
18 department of public safety and shall provide that department with the
19 same information provided to a county sheriff under subsection (3) of
20 this section.

21 (2) This section may not be construed to confer any powers pursuant
22 to RCW 4.24.500 upon the public safety department of any public or
23 private institution of higher education.

24 (3)(a) The person shall provide the following information when
25 registering: (i) Name; (ii) address; (iii) date and place of birth;
26 (iv) place of employment; (v) crime for which convicted; (vi) date and
27 place of conviction; (vii) aliases used; (viii) social security number;
28 (ix) photograph; and (x) fingerprints.

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

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

1 (i) OFFENDERS IN CUSTODY. (A) 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, and (B) kidnapping offenders who on or
7 after July 27, 1997, are in custody of the state department of
8 corrections, the state department of social and health services, a
9 local division of youth services, or a local jail or juvenile detention
10 facility, must register at the time of release from custody with an
11 official designated by the agency that has jurisdiction over the
12 offender. The agency shall within three days forward the registration
13 information to the county sheriff for the county of the offender's
14 anticipated residence. The offender must also register within twenty-
15 four hours from the time of release with the county sheriff for the
16 county of the person's residence, or if the person is not a resident of
17 Washington, the county of the person's school, or place of employment
18 or vocation. The agency that has jurisdiction over the offender shall
19 provide notice to the offender of the duty to register. Failure to
20 register at the time of release and within twenty-four hours of release
21 constitutes a violation of this section and is punishable as provided
22 in subsection (10) of this section.

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

33 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
34 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
35 but are under the jurisdiction of the indeterminate sentence review
36 board or under the department of correction's active supervision, as
37 defined by the department of corrections, the state department of
38 social and health services, or a local division of youth services, for
39 sex offenses committed before, on, or after February 28, 1990, must

1 register within ten days of July 28, 1991. Kidnapping offenders who,
2 on July 27, 1997, are not in custody but are under the jurisdiction of
3 the indeterminate sentence review board or under the department of
4 correction's active supervision, as defined by the department of
5 corrections, the state department of social and health services, or a
6 local division of youth services, for kidnapping offenses committed
7 before, on, or after July 27, 1997, must register within ten days of
8 July 27, 1997. A change in supervision status of a sex offender who
9 was required to register under this subsection (4)(a)(ii) as of July
10 28, 1991, or a kidnapping offender required to register as of July 27,
11 1997, shall not relieve the offender of the duty to register or to
12 reregister following a change in residence. The obligation to register
13 shall only cease pursuant to RCW 9A.44.140.

14 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
15 or after July 23, 1995, and kidnapping offenders who, on or after July
16 27, 1997, as a result of that offense are in the custody of the United
17 States bureau of prisons or other federal or military correctional
18 agency for sex offenses committed before, on, or after February 28,
19 1990, or kidnapping offenses committed on, before, or after July 27,
20 1997, must register within twenty-four hours from the time of release
21 with the county sheriff for the county of the person's residence, or if
22 the person is not a resident of Washington, the county of the person's
23 school, or place of employment or vocation. Sex offenders who, on July
24 23, 1995, are not in custody but are under the jurisdiction of the
25 United States bureau of prisons, United States courts, United States
26 parole commission, or military parole board for sex offenses committed
27 before, on, or after February 28, 1990, must register within ten days
28 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
29 in custody but are under the jurisdiction of the United States bureau
30 of prisons, United States courts, United States parole commission, or
31 military parole board for kidnapping offenses committed before, on, or
32 after July 27, 1997, must register within ten days of July 27, 1997.
33 A change in supervision status of a sex offender who was required to
34 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
35 kidnapping offender required to register as of July 27, 1997 shall not
36 relieve the offender of the duty to register or to reregister following
37 a change in 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 obligation to register shall only cease pursuant to
2 RCW 9A.44.140.

3 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
4 who are convicted of a sex offense on or after July 28, 1991, for a sex
5 offense that was committed on or after February 28, 1990, and
6 kidnapping offenders who are convicted on or after July 27, 1997, for
7 a kidnapping offense that was committed on or after July 27, 1997, but
8 who are not sentenced to serve a term of confinement immediately upon
9 sentencing, shall report to the county sheriff to register immediately
10 upon completion of being sentenced.

11 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
12 RESIDENTS. Sex offenders and kidnapping offenders who move to
13 Washington state from another state or a foreign country that are not
14 under the jurisdiction of the state department of corrections, the
15 indeterminate sentence review board, or the state department of social
16 and health services at the time of moving to Washington, must register
17 within thirty days of establishing residence or reestablishing
18 residence if the person is a former Washington resident. The duty to
19 register under this subsection applies to sex offenders convicted under
20 the laws of another state or a foreign country, federal or military
21 statutes, or Washington state for offenses committed on or after
22 February 28, 1990, and to kidnapping offenders convicted under the laws
23 of another state or a foreign country, federal or military statutes, or
24 Washington state for offenses committed on or after July 27, 1997. Sex
25 offenders and kidnapping offenders from other states or a foreign
26 country who, when they move to Washington, are under the jurisdiction
27 of the department of corrections, the indeterminate sentence review
28 board, or the department of social and health services must register
29 within twenty-four hours of moving to Washington. The agency that has
30 jurisdiction over the offender shall notify the offender of the
31 registration requirements before the offender moves to Washington.

32 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
33 or juvenile who has been found not guilty by reason of insanity under
34 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
35 February 28, 1990, and who, on or after July 23, 1995, is in custody,
36 as a result of that finding, of the state department of social and
37 health services, or (B) committing a kidnapping offense on, before, or
38 after July 27, 1997, and who on or after July 27, 1997, is in custody,
39 as a result of that finding, of the state department of social and

1 health services, must register within twenty-four hours from the time
2 of release with the county sheriff for the county of the person's
3 residence. The state department of social and health services shall
4 provide notice to the adult or juvenile in its custody of the duty to
5 register. Any adult or juvenile who has been found not guilty by
6 reason of insanity of committing a sex offense on, before, or after
7 February 28, 1990, but who was released before July 23, 1995, or any
8 adult or juvenile who has been found not guilty by reason of insanity
9 of committing a kidnapping offense but who was released before July 27,
10 1997, shall be required to register within twenty-four hours of
11 receiving notice of this registration requirement. The state
12 department of social and health services shall make reasonable attempts
13 within available resources to notify sex offenders who were released
14 before July 23, 1995, and kidnapping offenders who were released before
15 July 27, 1997. Failure to register within twenty-four hours of
16 release, or of receiving notice, constitutes a violation of this
17 section and is punishable as provided in subsection (10) of this
18 section.

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

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

29 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
30 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,
31 who move to another state, or who work, carry on a vocation, or attend
32 school in another state shall register a new address, fingerprints, and
33 photograph with the new state within ten days after establishing
34 residence, or after beginning to work, carry on a vocation, or attend
35 school in the new state. The person must also send written notice
36 within ten days of moving to the new state or to a foreign country to
37 the county sheriff with whom the person last registered in Washington
38 state. The county sheriff shall promptly forward this information to
39 the Washington state patrol.

1 (b) Failure to register within the time required under this section
2 constitutes a per se violation of this section and is punishable as
3 provided in subsection (10) of this section. The county sheriff shall
4 not be required to determine whether the person is living within the
5 county.

6 (c) An arrest on charges of failure to register, service of an
7 information, or a complaint for a violation of this section, or
8 arraignment on charges for a violation of this section, constitutes
9 actual notice of the duty to register. Any person charged with the
10 crime of failure to register under this section who asserts as a
11 defense the lack of notice of the duty to register shall register
12 immediately following actual notice of the duty through arrest,
13 service, or arraignment. Failure to register as required under this
14 subsection (4)(c) constitutes grounds for filing another charge of
15 failing to register. Registering following arrest, service, or
16 arraignment on charges shall not relieve the offender from criminal
17 liability for failure to register prior to the filing of the original
18 charge.

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

22 (5)(a) If any person required to register pursuant to this section
23 changes his or her residence address within the same county, the person
24 must send written notice of the change of address to the county sheriff
25 within seventy-two hours of moving. If any person required to register
26 pursuant to this section moves to a new county, the person must send
27 written notice of the change of address at least fourteen days before
28 moving to the county sheriff in the new county of residence and must
29 register with that county sheriff within twenty-four hours of moving.
30 The person must also send written notice within ten days of the change
31 of address in the new county to the county sheriff with whom the person
32 last registered. The county sheriff with whom the person last
33 registered shall promptly forward the information concerning the change
34 of address to the county sheriff for the county of the person's new
35 residence. ~~((If any person required to register pursuant to this
36 section moves out of Washington state, the person must also send
37 written notice within ten days of moving to the new state or a foreign
38 country to the county sheriff with whom the person last registered in
39 Washington state.))~~ Upon receipt of notice of change of address to a

1 new state, the county sheriff shall promptly forward the information
2 regarding the change of address to the agency designated by the new
3 state as the state's offender registration agency.

4 (b) It is an affirmative defense to a charge that the person failed
5 to send a notice at least fourteen days in advance of moving as
6 required under (a) of this subsection that the person did not know the
7 location of his or her new residence at least fourteen days before
8 moving. The defendant must establish the defense by a preponderance of
9 the evidence and, to prevail on the defense, must also prove by a
10 preponderance that the defendant sent the required notice within
11 twenty-four hours of determining the new address.

12 (6)(a) Any person required to register under this section who lacks
13 a fixed residence shall provide written notice to the sheriff of the
14 county where he or she last registered within fourteen days after
15 ceasing to have a fixed residence. The notice shall include the
16 information required by subsection (3)(b) of this section, except the
17 photograph and fingerprints. The county sheriff may, for reasonable
18 cause, require the offender to provide a photograph and fingerprints.
19 The sheriff shall forward this information to the sheriff of the county
20 in which the person intends to reside, if the person intends to reside
21 in another county.

22 (b) A person who lacks a fixed residence must report in person to
23 the sheriff of the county where he or she is registered. If he or she
24 has been classified as a risk level I sex or kidnapping offender, he or
25 she must report monthly. If he or she has been classified as a risk
26 level II or III sex or kidnapping offender, he or she must report
27 weekly. The lack of a fixed residence is a factor that may be
28 considered in determining a sex offender's risk level.

29 (c) If any person required to register pursuant to this section
30 does not have a fixed residence, it is an affirmative defense to the
31 charge of failure to register, that he or she provided written notice
32 to the sheriff of the county where he or she last registered within
33 fourteen days after ceasing to have a fixed residence and has
34 subsequently complied with the requirements of subsections (4)(a)(vii)
35 or (viii) and (6) of this section. To prevail, the person must prove
36 the defense by a preponderance of the evidence.

37 (7) A sex offender subject to registration requirements under this
38 section who applies to change his or her name under RCW 4.24.130 or any
39 other law shall submit a copy of the application to the county sheriff

1 of the county of the person's residence and to the state patrol not
2 fewer than five days before the entry of an order granting the name
3 change. No sex offender under the requirement to register under this
4 section at the time of application shall be granted an order changing
5 his or her name if the court finds that doing so will interfere with
6 legitimate law enforcement interests, except that no order shall be
7 denied when the name change is requested for religious or legitimate
8 cultural reasons or in recognition of marriage or dissolution of
9 marriage. A sex offender under the requirement to register under this
10 section who receives an order changing his or her name shall submit a
11 copy of the order to the county sheriff of the county of the person's
12 residence and to the state patrol within five days of the entry of the
13 order.

14 (8) The county sheriff shall obtain a photograph of the individual
15 and shall obtain a copy of the individual's fingerprints.

16 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
17 70.48.470, and 72.09.330:

18 (a) "Sex offense" means any offense defined as a sex offense by RCW
19 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a
20 minor), 9.68A.050 (dealing in depictions of minor engaged in sexually
21 explicit conduct), 9.68A.060 (sending, bringing into state depictions
22 of minor engaged in sexually explicit conduct), 9.68A.090
23 (communication with minor for immoral purposes), 9.68A.100 (patronizing
24 juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in
25 the second degree), as well as any gross misdemeanor that is, under
26 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
27 criminal conspiracy to commit an offense that is classified as a sex
28 offense under RCW 9.94A.030.

29 (b) "Kidnapping offense" means the crimes of kidnapping in the
30 first degree, kidnapping in the second degree, and unlawful
31 imprisonment as defined in chapter 9A.40 RCW, where the victim is a
32 minor and the offender is not the minor's parent.

33 (c) "Employed" or "carries on a vocation" means employment that is
34 full-time or part-time for a period of time exceeding fourteen days, or
35 for an aggregate period of time exceeding thirty days during any
36 calendar year. A person is employed or carries on a vocation whether
37 the person's employment is financially compensated, volunteered, or for
38 the purpose of government or educational benefit.

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

5 (10) A person who knowingly fails to register with the county
6 sheriff or notify the county sheriff, or who changes his or her name
7 without notifying the county sheriff and the state patrol, as required
8 by this section is guilty of a class C felony if the crime for which
9 the individual was convicted was a felony sex offense as defined in
10 subsection (9)(a) of this section or a federal or out-of-state
11 conviction for an offense that under the laws of this state would be a
12 felony sex offense as defined in subsection (9)(a) of this section. If
13 the crime was other than a felony or a federal or out-of-state
14 conviction for an offense that under the laws of this state would be
15 other than a felony, violation of this section is a gross misdemeanor.

16 (11) A person who knowingly fails to register or who moves within
17 the state without notifying the county sheriff as required by this
18 section is guilty of a class C felony if the crime for which the
19 individual was convicted was a felony kidnapping offense as defined in
20 subsection (9)(b) of this section or a federal or out-of-state
21 conviction for an offense that under the laws of this state would be a
22 felony kidnapping offense as defined in subsection (9)(b) of this
23 section. If the crime was other than a felony or a federal or out-of-
24 state conviction for an offense that under the laws of this state would
25 be other than a felony, violation of this section is a gross
26 misdemeanor.

27 **Sec. 3.** RCW 9A.44.140 and 1998 c 220 s 3 are each amended to read
28 as follows:

29 (1) The duty to register under RCW 9A.44.130 shall end:

30 (a) For a person convicted of a class A felony, or a person
31 convicted of any sex offense or kidnapping offense who has one or more
32 prior (~~conviction[s]~~) convictions for a sex offense or kidnapping
33 offense: Such person may only be relieved of the duty to register
34 under subsection (3) or (4) of this section.

35 (b) For a person convicted of a class B felony, and the person does
36 not have one or more prior (~~conviction[s]~~) convictions for a sex
37 offense or kidnapping offense: Fifteen years after the last date of
38 release from confinement, if any, (including full-time residential

1 treatment) pursuant to the conviction, or entry of the judgment and
2 sentence, if the person has spent fifteen consecutive years in the
3 community without being convicted of any new offenses.

4 (c) For a person convicted of a class C felony, a violation of RCW
5 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to
6 commit a class C felony, and the person does not have one or more prior
7 (~~conviction[s]~~) convictions for a sex offense or kidnapping offense:
8 Ten years after the last date of release from confinement, if any,
9 (including full-time residential treatment) pursuant to the conviction,
10 or entry of the judgment and sentence, if the person has spent ten
11 consecutive years in the community without being convicted of any new
12 offenses.

13 (2) The provisions of subsection (1) of this section shall apply
14 equally to a person who has been found not guilty by reason of insanity
15 under chapter 10.77 RCW of a sex offense or kidnapping offense.

16 (3)(a) Any person having a duty to register under RCW 9A.44.130 may
17 petition the superior court to be relieved of that duty, if the person
18 has spent ten consecutive years in the community without being
19 convicted of any new offenses. The petition shall be made to the court
20 in which the petitioner was convicted of the offense that subjects him
21 or her to the duty to register, or, in the case of convictions in other
22 states, a foreign country, or a federal or military court, to the court
23 in Thurston county. The prosecuting attorney of the county shall be
24 named and served as the respondent in any such petition. The court
25 shall consider the nature of the registrable offense committed, and the
26 criminal and relevant noncriminal behavior of the petitioner both
27 before and after conviction, and may consider other factors. Except as
28 provided in subsection (4) of this section, the court may relieve the
29 petitioner of the duty to register only if the petitioner shows, with
30 clear and convincing evidence, that future registration of the
31 petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
32 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

33 (b)(i) The court may not relieve a person of the duty to register
34 if the person has been determined to be a sexually violent predator as
35 defined in RCW 71.09.020, or has been convicted of a sex offense or
36 kidnapping offense that is a class A felony and that was committed with
37 forcible compulsion on or after the effective date of this act.

38 (ii) Any person subject to (b)(i) of this subsection may petition
39 the court to be exempted from any community notification requirements

1 that the person may be subject to fifteen years after the later of the
2 entry of the judgment and sentence or the last date of release from
3 confinement, including full-time residential treatment, pursuant to the
4 conviction, if the person has spent the time in the community without
5 being convicted of any new offense.

6 (4) An offender having a duty to register under RCW 9A.44.130 for
7 a sex offense or kidnapping offense committed when the offender was a
8 juvenile may petition the superior court to be relieved of that duty.
9 The court shall consider the nature of the registrable offense
10 committed, and the criminal and relevant noncriminal behavior of the
11 petitioner both before and after adjudication, and may consider other
12 factors.

13 (a) The court may relieve the petitioner of the duty to register
14 for a sex offense or kidnapping offense that was committed while the
15 petitioner was fifteen years of age or older only if the petitioner
16 shows, with clear and convincing evidence, that future registration of
17 the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
18 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

19 (b) The court may relieve the petitioner of the duty to register
20 for a sex offense or kidnapping offense that was committed while the
21 petitioner was under the age of fifteen if the petitioner ((a)) (i)
22 has not been adjudicated of any additional sex offenses or kidnapping
23 offenses during the twenty-four months following the adjudication for
24 the offense giving rise to the duty to register, and ((b)—the
25 petitioner)) (ii) proves by a preponderance of the evidence that future
26 registration of the petitioner will not serve the purposes of RCW
27 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

28 This subsection shall not apply to juveniles prosecuted as adults.

29 (5) Unless relieved of the duty to register pursuant to this
30 section, a violation of RCW 9A.44.130 is an ongoing offense for
31 purposes of the statute of limitations under RCW 9A.04.080.

32 (6) Nothing in RCW 9.94A.220 relating to discharge of an offender
33 shall be construed as operating to relieve the offender of his or her
34 duty to register pursuant to RCW 9A.44.130.

35 **Sec. 4.** RCW 70.48.470 and 1997 c 364 s 3 and 1997 c 113 s 7 are
36 each reenacted and amended to read as follows:

37 (1) A person having charge of a jail shall notify in writing any
38 confined person who is in the custody of the jail for a conviction of

1 a sex offense as defined in RCW 9.94A.030 or a kidnapping offense as
2 defined in RCW 9A.44.130 of the registration requirements of RCW
3 9A.44.130 at the time of the inmate's release from confinement, and
4 shall obtain written acknowledgment of such notification. The person
5 shall also obtain from the inmate the county of the inmate's residence
6 upon release from jail and, where applicable, the city.

7 (2) When a sex offender or a person convicted of a kidnapping
8 offense as defined in RCW 9A.44.130 under local government jurisdiction
9 will reside in a county other than the county of conviction upon
10 discharge or release, the chief law enforcement officer of the jail or
11 his or her designee shall give notice of the inmate's discharge or
12 release to the sheriff of the county and, where applicable, to the
13 police chief of the city where the offender will reside.

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