
HOUSE BILL 1233

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By Representatives O'Brien, Pearson, Lantz, Talcott, Kilmer, Lovick, Simpson, Tom, Campbell and Wallace

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1 AN ACT Relating to requiring offenders convicted of luring to
2 register with local law enforcement; amending RCW 9A.44.135, 9A.44.140,
3 9A.44.145, 4.24.550, 10.01.200, 43.43.540, 70.48.470, and 72.09.330;
4 reenacting and amending RCW 9A.44.130; and prescribing penalties.

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

6 **Sec. 1.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are
7 each reenacted and amended to read as follows:

8 (1) Any adult or juvenile residing whether or not the person has a
9 fixed residence, or who is a student, is employed, or carries on a
10 vocation in this state who has been found to have committed or has been
11 convicted of any sex offense ((~~or~~)) kidnapping offense, or luring
12 offense, or who has been found not guilty by reason of insanity under
13 chapter 10.77 RCW of committing any sex offense ((~~or~~)) kidnapping
14 offense, or luring offense, shall register with the county sheriff for
15 the county of the person's residence, or if the person is not a
16 resident of Washington, the county of the person's school, or place of
17 employment or vocation, or as otherwise specified in this section.
18 Where a person required to register under this section is in custody of
19 the state department of corrections, the state department of social and

1 health services, a local division of youth services, or a local jail or
2 juvenile detention facility as a result of a sex offense (~~(or)~~),
3 kidnapping offense, or luring offense, the person shall also register
4 at the time of release from custody with an official designated by the
5 agency that has jurisdiction over the person. In addition, any such
6 adult or juvenile: (a) Who is admitted to a public or private
7 institution of higher education shall, within ten days of enrolling or
8 by the first business day after arriving at the institution, whichever
9 is earlier, notify the sheriff for the county of the person's residence
10 of the person's intent to attend the institution; (b) who gains
11 employment at a public or private institution of higher education
12 shall, within ten days of accepting employment or by the first business
13 day after commencing work at the institution, whichever is earlier,
14 notify the sheriff for the county of the person's residence of the
15 person's employment by the institution; or (c) whose enrollment or
16 employment at a public or private institution of higher education is
17 terminated shall, within ten days of such termination, notify the
18 sheriff for the county of the person's residence of the person's
19 termination of enrollment or employment at the institution. Persons
20 required to register under this section who are enrolled in a public or
21 private institution of higher education on June 11, 1998, must notify
22 the county sheriff immediately. The sheriff shall notify the
23 institution's department of public safety and shall provide that
24 department with the same information provided to a county sheriff under
25 subsection (3) of this section.

26 (2) This section may not be construed to confer any powers pursuant
27 to RCW (~~(4.24.500)~~) 4.24.550 upon the public safety department of any
28 public or private institution of higher education.

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

34 (b) Any person who lacks a fixed residence shall provide the
35 following information when registering: (i) Name; (ii) date and place
36 of birth; (iii) place of employment; (iv) crime for which convicted;
37 (v) date and place of conviction; (vi) aliases used; (vii) social

1 security number; (viii) photograph; (ix) fingerprints; and (x) where he
2 or she plans to stay.

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

7 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
8 offense on, before, or after February 28, 1990, and who, on or after
9 July 28, 1991, are in custody, as a result of that offense, of the
10 state department of corrections, the state department of social and
11 health services, a local division of youth services, or a local jail or
12 juvenile detention facility, (~~and~~) (B) kidnapping offenders who on or
13 after July 27, 1997, are in custody of the state department of
14 corrections, the state department of social and health services, a
15 local division of youth services, or a local jail or juvenile detention
16 facility, and (C) luring offenders who on or after August 1, 2005, are
17 in custody of the state department of corrections, the state department
18 of social and health services, a local division of youth services, or
19 a local jail or juvenile detention facility, must register at the time
20 of release from custody with an official designated by the agency that
21 has jurisdiction over the offender. The agency shall within three days
22 forward the registration information to the county sheriff for the
23 county of the offender's anticipated residence. The offender must also
24 register within twenty-four hours from the time of release with the
25 county sheriff for the county of the person's residence, or if the
26 person is not a resident of Washington, the county of the person's
27 school, or place of employment or vocation. The agency that has
28 jurisdiction over the offender shall provide notice to the offender of
29 the duty to register. Failure to register at the time of release and
30 within twenty-four hours of release constitutes a violation of this
31 section and is punishable as provided in subsection (10) of this
32 section.

33 When the agency with jurisdiction intends to release an offender
34 with a duty to register under this section, and the agency has
35 knowledge that the offender is eligible for developmental disability
36 services from the department of social and health services, the agency
37 shall notify the division of developmental disabilities of the release.
38 Notice shall occur not more than thirty days before the offender is to

1 be released. The agency and the division shall assist the offender in
2 meeting the initial registration requirement under this section.
3 Failure to provide such assistance shall not constitute a defense for
4 any violation of this section.

5 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
6 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
7 but are under the jurisdiction of the indeterminate sentence review
8 board or under the department of corrections' active supervision, as
9 defined by the department of corrections, the state department of
10 social and health services, or a local division of youth services, for
11 sex offenses committed before, on, or after February 28, 1990, must
12 register within ten days of July 28, 1991. Kidnapping offenders who,
13 on July 27, 1997, are not in custody but are under the jurisdiction of
14 the indeterminate sentence review board or under the department of
15 corrections' active supervision, as defined by the department of
16 corrections, the state department of social and health services, or a
17 local division of youth services, for kidnapping offenses committed
18 before, on, or after July 27, 1997, must register within ten days of
19 July 27, 1997. Luring offenders who, on August 1, 2005, are not in
20 custody but are under the jurisdiction of the indeterminate sentence
21 review board or under the department of corrections' active
22 supervision, as defined by the department of corrections, the state
23 department of social and health services, or a local division of youth
24 services, for luring offenses committed before, on, or after August 1,
25 2005, must register within ten days of August 1, 2005. A change in
26 supervision status of a sex offender who was required to register under
27 this subsection (4)(a)(ii) as of July 28, 1991, (~~or~~) a kidnapping
28 offender required to register as of July 27, 1997, or a luring offender
29 required to register as of August 1, 2005, shall not relieve the
30 offender of the duty to register or to reregister following a change in
31 residence. The obligation to register shall only cease pursuant to RCW
32 9A.44.140.

33 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
34 or after July 23, 1995, (~~and~~) kidnapping offenders who, on or after
35 July 27, 1997, and luring offenders who, on or after August 1, 2005, as
36 a result of that offense are in the custody of the United States bureau
37 of prisons or other federal or military correctional agency for sex
38 offenses committed before, on, or after February 28, 1990, (~~or~~)

1 kidnapping offenses committed on, before, or after July 27, 1997, or
2 luring offenses committed on, before, or after August 1, 2005, must
3 register within twenty-four hours from the time of release with the
4 county sheriff for the county of the person's residence, or if the
5 person is not a resident of Washington, the county of the person's
6 school, or place of employment or vocation. Sex offenders who, on July
7 23, 1995, are not in custody but are under the jurisdiction of the
8 United States bureau of prisons, United States courts, United States
9 parole commission, or military parole board for sex offenses committed
10 before, on, or after February 28, 1990, must register within ten days
11 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
12 in custody but are under the jurisdiction of the United States bureau
13 of prisons, United States courts, United States parole commission, or
14 military parole board for kidnapping offenses committed before, on, or
15 after July 27, 1997, must register within ten days of July 27, 1997.
16 Luring offenders who, on August 1, 2005, are not in custody but are
17 under the jurisdiction of the United States bureau of prisons, United
18 States courts, United States parole commission, or military parole
19 board for luring offenses committed before, on, or after August 1,
20 2005, must register within ten days of August 1, 2005. A change in
21 supervision status of a sex offender who was required to register under
22 this subsection (4)(a)(iii) as of July 23, 1995, (~~(or)~~) a kidnapping
23 offender required to register as of July 27, 1997, or a luring offender
24 required to register as of August 1, 2005, shall not relieve the
25 offender of the duty to register or to reregister following a change in
26 residence, or if the person is not a resident of Washington, the county
27 of the person's school, or place of employment or vocation. The
28 obligation to register shall only cease pursuant to RCW 9A.44.140.

29 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
30 who are convicted of a sex offense on or after July 28, 1991, for a sex
31 offense that was committed on or after February 28, 1990, (~~(and)~~)
32 kidnapping offenders who are convicted on or after July 27, 1997, for
33 a kidnapping offense that was committed on or after July 27, 1997, and
34 luring offenders who are convicted on or after August 1, 2005, for a
35 luring offense that was committed on or after August 1, 2005, but who
36 are not sentenced to serve a term of confinement immediately upon
37 sentencing, shall report to the county sheriff to register immediately
38 upon completion of being sentenced.

1 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
2 RESIDENTS. Sex offenders (~~and~~), kidnapping offenders, and luring
3 offenders who move to Washington state from another state or a foreign
4 country that are not under the jurisdiction of the state department of
5 corrections, the indeterminate sentence review board, or the state
6 department of social and health services at the time of moving to
7 Washington, must register within thirty days of establishing residence
8 or reestablishing residence if the person is a former Washington
9 resident. The duty to register under this subsection applies to sex
10 offenders convicted under the laws of another state or a foreign
11 country, federal or military statutes, or Washington state for offenses
12 committed on or after February 28, 1990, (~~and~~) to kidnapping
13 offenders convicted under the laws of another state or a foreign
14 country, federal or military statutes, or Washington state for offenses
15 committed on or after July 27, 1997, and to luring offenders convicted
16 under the laws of another state or a foreign country, federal or
17 military statutes, or Washington state for offenses committed on or
18 after August 1, 2005. Sex offenders (~~and~~), kidnapping offenders, and
19 luring offenders from other states or a foreign country who, when they
20 move to Washington, are under the jurisdiction of the department of
21 corrections, the indeterminate sentence review board, or the department
22 of social and health services must register within twenty-four hours of
23 moving to Washington. The agency that has jurisdiction over the
24 offender shall notify the offender of the registration requirements
25 before the offender moves to Washington.

26 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
27 or juvenile who has been found not guilty by reason of insanity under
28 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
29 February 28, 1990, and who, on or after July 23, 1995, is in custody,
30 as a result of that finding, of the state department of social and
31 health services, (~~or~~) (B) committing a kidnapping offense on, before,
32 or after July 27, 1997, and who on or after July 27, 1997, is in
33 custody, as a result of that finding, of the state department of social
34 and health services, or (C) committing a luring offense on, before, or
35 after August 1, 2005, and who on or after August 1, 2005, is in
36 custody, as a result of that finding, of the state department of social
37 and health services, must register within twenty-four hours from the
38 time of release with the county sheriff for the county of the person's

1 residence. The state department of social and health services shall
2 provide notice to the adult or juvenile in its custody of the duty to
3 register. Any adult or juvenile who has been found not guilty by
4 reason of insanity of committing a sex offense on, before, or after
5 February 28, 1990, but who was released before July 23, 1995, (~~or~~)
6 any adult or juvenile who has been found not guilty by reason of
7 insanity of committing a kidnapping offense but who was released before
8 July 27, 1997, or any adult or juvenile who has been found not guilty
9 by reason of insanity of committing a luring offense but who was
10 released before August 1, 2005, shall be required to register within
11 twenty-four hours of receiving notice of this registration requirement.
12 The state department of social and health services shall make
13 reasonable attempts within available resources to notify sex offenders
14 who were released before July 23, 1995, (~~and~~) kidnapping offenders
15 who were released before July 27, 1997, and luring offenders who were
16 released before August 1, 2005. Failure to register within twenty-four
17 hours of release, or of receiving notice, constitutes a violation of
18 this section and is punishable as provided in subsection (10) of this
19 section.

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

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

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

1 the county sheriff with whom the person last registered in Washington
2 state. The county sheriff shall promptly forward this information to
3 the Washington state patrol.

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

9 (c) An arrest on charges of failure to register, service of an
10 information, or a complaint for a violation of this section, or
11 arraignment on charges for a violation of this section, constitutes
12 actual notice of the duty to register. Any person charged with the
13 crime of failure to register under this section who asserts as a
14 defense the lack of notice of the duty to register shall register
15 immediately following actual notice of the duty through arrest,
16 service, or arraignment. Failure to register as required under this
17 subsection (4)(c) constitutes grounds for filing another charge of
18 failing to register. Registering following arrest, service, or
19 arraignment on charges shall not relieve the offender from criminal
20 liability for failure to register prior to the filing of the original
21 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 (5)(a) 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 seventy-two hours of moving. If any person required to register
29 pursuant to this section moves to a new county, the person must send
30 written notice of the change of address at least fourteen days before
31 moving to the county sheriff in the new county of residence and must
32 register with that county sheriff within twenty-four hours of moving.
33 The person must also send written notice within ten days of the change
34 of address in the new county to the county sheriff with whom the person
35 last registered. The county sheriff with whom the person last
36 registered shall promptly forward the information concerning the change
37 of address to the county sheriff for the county of the person's new
38 residence. Upon receipt of notice of change of address to a new state,

1 the county sheriff shall promptly forward the information regarding the
2 change of address to the agency designated by the new state as the
3 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 forty-eight hours
15 excluding weekends and holidays after ceasing to have a fixed
16 residence. The notice shall include the information required by
17 subsection (3)(b) of this section, except the photograph and
18 fingerprints. The county sheriff may, for reasonable cause, require
19 the offender to provide a photograph and fingerprints. The sheriff
20 shall forward this information to the sheriff of the county in which
21 the person intends to reside, if the person intends to reside in
22 another county.

23 (b) A person who lacks a fixed residence must report weekly, in
24 person, to the sheriff of the county where he or she is registered.
25 The weekly report shall be on a day specified by the county sheriff's
26 office, and shall occur during normal business hours. The county
27 sheriff's office may require the person to list the locations where the
28 person has stayed during the last seven days. The lack of a fixed
29 residence is a factor that may be considered in determining an
30 offender's risk level and shall make the offender subject to disclosure
31 of information to the public at large pursuant to RCW 4.24.550.

32 (c) If any person required to register pursuant to this section
33 does not have a fixed residence, it is an affirmative defense to the
34 charge of failure to register, that he or she provided written notice
35 to the sheriff of the county where he or she last registered within
36 forty-eight hours excluding weekends and holidays after ceasing to have
37 a fixed residence and has subsequently complied with the requirements

1 of subsections (4)(a)(vii) or (viii) and (6) of this section. To
2 prevail, the person must prove the defense by a preponderance of the
3 evidence.

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

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

22 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
23 70.48.470, and 72.09.330:

- 24 (a) "Sex offense" means:
 - 25 (i) Any offense defined as a sex offense by RCW 9.94A.030;
 - 26 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
27 minor in the second degree);
 - 28 (iii) Any violation under RCW 9.68A.090 (communication with a minor
29 for immoral purposes);
 - 30 (iv) Any federal or out-of-state conviction for an offense that
31 under the laws of this state would be classified as a sex offense under
32 this subsection; and
 - 33 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
34 criminal attempt, criminal solicitation, or criminal conspiracy to
35 commit an offense that is classified as a sex offense under RCW
36 9.94A.030 or this subsection.

37 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
38 the first degree, kidnapping in the second degree, and unlawful

1 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
2 minor and the offender is not the minor's parent; (ii) any offense that
3 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
4 or criminal conspiracy to commit an offense that is classified as a
5 kidnapping offense under this subsection (9)(b); and (iii) any federal
6 or out-of-state conviction for an offense that under the laws of this
7 state would be classified as a kidnapping offense under this subsection
8 (9)(b).

9 (c) "Employed" or "carries on a vocation" means employment that is
10 full-time or part-time for a period of time exceeding fourteen days, or
11 for an aggregate period of time exceeding thirty days during any
12 calendar year. A person is employed or carries on a vocation whether
13 the person's employment is financially compensated, volunteered, or for
14 the purpose of government or educational benefit.

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

19 (e) "Luring" means any offense as defined under RCW 9A.40.090.

20 (10)(a) A person who knowingly fails to register with the county
21 sheriff or notify the county sheriff, or who changes his or her name
22 without notifying the county sheriff and the state patrol, as required
23 by this section is guilty of a class C felony if the crime for which
24 the individual was convicted was a felony sex offense as defined in
25 subsection (9)(a) of this section or a federal or out-of-state
26 conviction for an offense that under the laws of this state would be a
27 felony sex offense as defined in subsection (9)(a) of this section.

28 (b) If the crime for which the individual was convicted was other
29 than a felony or a federal or out-of-state conviction for an offense
30 that under the laws of this state would be other than a felony,
31 violation of this section is a gross misdemeanor.

32 (11)(a) A person who knowingly fails to register or who moves
33 within the state without notifying the county sheriff as required by
34 this section is guilty of a class C felony if the crime for which the
35 individual was convicted was a felony kidnapping offense as defined in
36 subsection (9)(b) of this section or a federal or out-of-state
37 conviction for an offense that under the laws of this state would be a

1 felony kidnapping offense as defined in subsection (9)(b) of this
2 section.

3 (b) If the crime for which the individual was convicted was other
4 than a felony or a federal or out-of-state conviction for an offense
5 that under the laws of this state would be other than a felony,
6 violation of this section is a gross misdemeanor.

7 (12)(a) A person who knowingly fails to register or who moves
8 within the state without notifying the county sheriff as required by
9 this section is guilty of a class C felony if the crime for which the
10 individual was convicted was a felony luring offense as defined in
11 subsection (9)(e) of this section or a federal or out-of-state
12 conviction for an offense that under the laws of this state would be a
13 felony luring offense as defined in subsection (9)(e) of this section.

14 (b) If the crime for which the individual was convicted was other
15 than a felony or a federal or out-of-state conviction for an offense
16 that under the laws of this state would be other than a felony,
17 violation of this section is a gross misdemeanor.

18 **Sec. 2.** RCW 9A.44.135 and 2000 c 91 s 1 are each amended to read
19 as follows:

20 (1) When an offender registers with the county sheriff pursuant to
21 RCW 9A.44.130, the county sheriff shall notify the police chief or town
22 marshal of the jurisdiction in which the offender has registered to
23 live. If the offender registers to live in an unincorporated area of
24 the county, the sheriff shall make reasonable attempts to verify that
25 the offender is residing at the registered address. If the offender
26 registers to live in an incorporated city or town, the police chief or
27 town marshal shall make reasonable attempts to verify that the offender
28 is residing at the registered address. Reasonable attempts at
29 verifying an address shall include at a minimum:

30 (a) For offenders who have not been previously designated sexually
31 violent predators under chapter 71.09 RCW or an equivalent procedure in
32 another jurisdiction, each year the chief law enforcement officer of
33 the jurisdiction where the offender is registered to live shall send by
34 certified mail, with return receipt requested, a nonforwardable
35 verification form to the offender at the offender's last registered
36 address.

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

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

12 (2) The chief law enforcement officer of the jurisdiction where the
13 offender has registered to live shall make reasonable attempts to
14 locate any ((sex)) offender who fails to return the verification form
15 or who cannot be located at the registered address. If the offender
16 fails to return the verification form or the offender is not at the
17 last registered address, the chief law enforcement officer of the
18 jurisdiction where the offender has registered to live shall promptly
19 forward this information to the county sheriff and to the Washington
20 state patrol for inclusion in the central registry of sex offenders.

21 (3) When an offender notifies the county sheriff of a change to his
22 or her residence address pursuant to RCW 9A.44.130, and the new address
23 is in a different law enforcement jurisdiction, the county sheriff
24 shall notify the police chief or town marshal of the jurisdiction from
25 which the offender has moved.

26 **Sec. 3.** RCW 9A.44.140 and 2002 c 25 s 1 are each amended to read
27 as follows:

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

29 (a) For a person convicted of a class A felony or an offense listed
30 in subsection (5) of this section, or a person convicted of any sex
31 offense ((~~or~~)), kidnapping offense, or luring offense who has one or
32 more prior convictions for a sex offense ((~~or~~)), kidnapping offense, or
33 luring offense: Such person may only be relieved of the duty to
34 register 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 convictions for a sex offense ((~~or~~)),
37 kidnapping offense, or luring offense and the person's current offense

1 is not listed in subsection (5) of this section: Fifteen years after
2 the last date of release from confinement, if any, (including full-time
3 residential treatment) pursuant to the conviction, or entry of the
4 judgment and sentence, if the person has spent fifteen consecutive
5 years in the community without being convicted of any new offenses.

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

16 (2) The provisions of subsection (1) of this section shall apply
17 equally to a person who has been found not guilty by reason of insanity
18 under chapter 10.77 RCW of a sex offense (~~(offense)~~), kidnapping offense, or
19 luring offense.

20 (3)(a) Except as provided in (b) of this subsection, any person
21 having a duty to register under RCW 9A.44.130 may petition the superior
22 court to be relieved of that duty, if the person has spent ten
23 consecutive years in the community without being convicted of any new
24 offenses. The petition shall be made to the court in which the
25 petitioner was convicted of the offense that subjects him or her to the
26 duty to register, or, in the case of convictions in other states, a
27 foreign country, or a federal or military court, to the court in
28 Thurston county. The prosecuting attorney of the county shall be named
29 and served as the respondent in any such petition. The court shall
30 consider the nature of the registrable offense committed, and the
31 criminal and relevant noncriminal behavior of the petitioner both
32 before and after conviction, and may consider other factors. Except as
33 provided in subsection (4) of this section, the court may relieve the
34 petitioner of the duty to register only if the petitioner shows, with
35 clear and convincing evidence, that future registration of the
36 petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
37 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

1 (b)(i) The court may not relieve a person of the duty to register
2 if the person has been determined to be a sexually violent predator as
3 defined in RCW 71.09.020, or has been convicted of a sex offense or
4 kidnapping offense that is a class A felony and that was committed with
5 forcible compulsion on or after June 8, 2000.

6 (ii) The court may not relieve a person of the duty to register if
7 the person has been convicted of one aggravated offense or more than
8 one sexually violent offense, as defined in subsection (5) of this
9 section, and the offense or offenses were committed on or after March
10 12, 2002.

11 (c) Any person subject to (b) of this subsection or subsection (5)
12 of this section may petition the court to be exempted from any
13 community notification requirements that the person may be subject to
14 fifteen years after the later of the entry of the judgment and sentence
15 or the last date of release from confinement, including full-time
16 residential treatment, pursuant to the conviction, if the person has
17 spent the time in the community without being convicted of any new
18 offense.

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

26 (a) The court may relieve the petitioner of the duty to register
27 for a sex offense or kidnapping offense that was committed while the
28 petitioner was fifteen years of age or older only if the petitioner
29 shows, with clear and convincing evidence, that future registration of
30 the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
31 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

32 (b) The court may relieve the petitioner of the duty to register
33 for a sex offense (~~(s)~~), kidnapping offense, or luring offense that
34 was committed while the petitioner was under the age of fifteen if the
35 petitioner (i) has not been adjudicated of any additional sex
36 offense(~~(s)~~), kidnapping offense(~~(s)~~), or luring offense during the
37 twenty-four months following the adjudication for the offense giving
38 rise to the duty to register, and (ii) proves by a preponderance of the

1 evidence that future registration of the petitioner will not serve the
2 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,
3 and 72.09.330.

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

5 (5)(a) A person who has been convicted of an aggravated offense, or
6 has been convicted of one or more prior sexually violent offenses or
7 criminal offenses against a victim who is a minor, as defined in (b) of
8 this subsection may only be relieved of the duty to register under
9 subsection (3)(b) of this section. This provision shall apply to
10 convictions for crimes committed on or after July 22, 2001.

11 (b) Unless the context clearly requires otherwise, the following
12 definitions apply only to the federal lifetime registration
13 requirements under this subsection:

14 (i) "Aggravated offense" means an adult conviction that meets the
15 definition of 18 U.S.C. Sec. 2241, which is limited to the following:

16 (A) Any sex offense involving sexual intercourse or sexual contact
17 where the victim is under twelve years of age;

18 (B) RCW 9A.44.040 (rape in the first degree), RCW 9A.44.073 (rape
19 of a child in the first degree), or RCW 9A.44.083 (child molestation in
20 the first degree);

21 (C) Any of the following offenses when committed by forcible
22 compulsion or by the offender administering, by threat or force or
23 without the knowledge or permission of that person, a drug, intoxicant,
24 or other similar substance that substantially impairs the ability of
25 that person to appraise or control conduct: RCW 9A.44.050 (rape in the
26 second degree), RCW 9A.44.100 (indecent liberties), RCW 9A.44.160
27 (custodial sexual misconduct in the first degree), RCW 9A.64.020
28 (incest), or RCW 9.68A.040 (sexual exploitation of a minor);

29 (D) Any of the following offenses when committed by forcible
30 compulsion or by the offender administering, by threat or force or
31 without the knowledge or permission of that person, a drug, intoxicant,
32 or other similar substance that substantially impairs the ability of
33 that person to appraise or control conduct, if the victim is twelve
34 years of age or over but under sixteen years of age and the offender is
35 eighteen years of age or over and is more than forty-eight months older
36 than the victim: RCW 9A.44.076 (rape of a child in the second degree),
37 RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086

1 (child molestation in the second degree), or RCW 9A.44.089 (child
2 molestation in the third degree);

3 (E) A felony with a finding of sexual motivation under RCW
4 9.94A.835 where the victim is under twelve years of age or that is
5 committed by forcible compulsion or by the offender administering, by
6 threat or force or without the knowledge or permission of that person,
7 a drug, intoxicant, or other similar substance that substantially
8 impairs the ability of that person to appraise or control conduct;

9 (F) An offense that is, under chapter 9A.28 RCW, an attempt or
10 solicitation to commit such an offense; or

11 (G) An offense defined by federal law or the laws of another state
12 that is equivalent to the offenses listed in (b)(i)(A) through (F) of
13 this subsection.

14 (ii) "Sexually violent offense" means an adult conviction that
15 meets the definition of 42 U.S.C. Sec. 14071(a)(1)(A), which is limited
16 to the following:

17 (A) An aggravated offense;

18 (B) An offense that is not an aggravated offense but meets the
19 definition of 18 U.S.C. Sec. 2242, which is limited to RCW 9A.44.050(1)
20 (b) through (f) (rape in the second degree) and RCW 9A.44.100(1) (b)
21 through (f) (indecent liberties);

22 (C) A felony with a finding of sexual motivation under RCW
23 9.94A.835 where the victim is incapable of appraising the nature of the
24 conduct or physically incapable of declining participation in, or
25 communicating unwillingness to engage in, the conduct;

26 (D) An offense that is, under chapter 9A.28 RCW, an attempt or
27 solicitation to commit such an offense; or

28 (E) An offense defined by federal law or the laws of another state
29 that is equivalent to the offenses listed in (b)(ii)(A) through (D) of
30 this subsection.

31 (iii) "Criminal offense against a victim who is a minor" means, in
32 addition to any aggravated offense or sexually violent offense where
33 the victim was under eighteen years of age, an adult conviction for the
34 following offenses where the victim is under eighteen years of age:

35 (A) RCW 9A.44.060 (rape in the third degree), RCW 9A.44.076 (rape
36 of a child in the second degree), RCW 9A.44.079 (rape of a child in the
37 third degree), RCW 9A.44.086 (child molestation in the second degree),
38 RCW 9A.44.089 (child molestation in the third degree), RCW 9A.44.093

1 (sexual misconduct with a minor in the first degree), RCW 9A.44.096
2 (sexual misconduct with a minor in the second degree), RCW 9A.44.160
3 (custodial sexual misconduct in the first degree), RCW 9A.64.020
4 (incest), RCW 9.68A.040 (sexual exploitation of a minor), RCW 9.68A.090
5 (communication with a minor for immoral purposes), or RCW 9.68A.100
6 (patronizing a juvenile prostitute);

7 (B) RCW 9A.40.020 (kidnapping in the first degree), RCW 9A.40.030
8 (kidnapping in the second degree), or RCW 9A.40.040 (unlawful
9 imprisonment), where the victim is a minor and the offender is not the
10 minor's parent;

11 (C) A felony with a finding of sexual motivation under RCW
12 9.94A.835 where the victim is a minor;

13 (D) An offense that is, under chapter 9A.28 RCW, an attempt or
14 solicitation to commit such an offense; or

15 (E) An offense defined by federal law or the laws of another state
16 that is equivalent to the offenses listed in (b)(iii)(A) through (D) of
17 this subsection.

18 (6) Unless relieved of the duty to register pursuant to this
19 section, a violation of RCW 9A.44.130 is an ongoing offense for
20 purposes of the statute of limitations under RCW 9A.04.080.

21 (7) Nothing in RCW 9.94A.637 relating to discharge of an offender
22 shall be construed as operating to relieve the offender of his or her
23 duty to register pursuant to RCW 9A.44.130.

24 (8) For purposes of determining whether a person has been convicted
25 of more than one sex offense, failure to register as a sex offender
26 (~~((or))~~), kidnapping offender, or luring offender is not a sex (~~((or))~~)
27 offense, kidnapping offense, or luring offense.

28 **Sec. 4.** RCW 9A.44.145 and 1998 c 139 s 2 are each amended to read
29 as follows:

30 The state patrol shall notify registered sex (~~((and))~~) offenders,
31 kidnapping offenders, and luring offenders of any change to the
32 registration requirements.

33 **Sec. 5.** RCW 4.24.550 and 2003 c 217 s 1 are each amended to read
34 as follows:

35 (1) In addition to the disclosure under subsection (5) of this
36 section, public agencies are authorized to release information to the

1 public regarding sex offenders ~~((and))~~, kidnapping offenders, and
2 luring offenders when the agency determines that disclosure of the
3 information is relevant and necessary to protect the public and
4 counteract the danger created by the particular offender. This
5 authorization applies to information regarding: (a) Any person
6 adjudicated or convicted of a sex offense ~~((as defined in RCW 9A.44.130~~
7 ~~or a))~~, kidnapping offense, or luring offense, as defined by RCW
8 9A.44.130; (b) any person under the jurisdiction of the indeterminate
9 sentence review board as the result of a sex offense ~~((or))~~, kidnapping
10 offense, or luring offense; (c) any person committed as a sexually
11 violent predator under chapter 71.09 RCW or as a sexual psychopath
12 under chapter 71.06 RCW; (d) any person found not guilty of a sex
13 offense ~~((or))~~, kidnapping offense, or luring offense by reason of
14 insanity under chapter 10.77 RCW; and (e) any person found incompetent
15 to stand trial for a sex offense ~~((or))~~, kidnapping offense, or luring
16 offense and subsequently committed under chapter 71.05 or 71.34 RCW.

17 (2) Except for the information specifically required under
18 subsection (5) of this section, the extent of the public disclosure of
19 relevant and necessary information shall be rationally related to: (a)
20 The level of risk posed by the offender to the community; (b) the
21 locations where the offender resides, expects to reside, or is
22 regularly found; and (c) the needs of the affected community members
23 for information to enhance their individual and collective safety.

24 (3) Except for the information specifically required under
25 subsection (5) of this section, local law enforcement agencies shall
26 consider the following guidelines in determining the extent of a public
27 disclosure made under this section: (a) For offenders classified as
28 risk level I, the agency shall share information with other appropriate
29 law enforcement agencies and may disclose, upon request, relevant,
30 necessary, and accurate information to any victim or witness to the
31 offense and to any individual community member who lives near the
32 residence where the offender resides, expects to reside, or is
33 regularly found; (b) for offenders classified as risk level II, the
34 agency may also disclose relevant, necessary, and accurate information
35 to public and private schools, child day care centers, family day care
36 providers, businesses and organizations that serve primarily children,
37 women, or vulnerable adults, and neighbors and community groups near
38 the residence where the offender resides, expects to reside, or is

1 regularly found; (c) for offenders classified as risk level III, the
2 agency may also disclose relevant, necessary, and accurate information
3 to the public at large; and (d) because more localized notification is
4 not feasible and homeless and transient offenders may present unique
5 risks to the community, the agency may also disclose relevant,
6 necessary, and accurate information to the public at large for
7 offenders registered as homeless or transient.

8 (4) The county sheriff with whom an offender classified as risk
9 level III is registered shall cause to be published by legal notice,
10 advertising, or news release a sex offender community notification that
11 conforms to the guidelines established under RCW 4.24.5501 in at least
12 one legal newspaper with general circulation in the area of the sex
13 offender's registered address or location. The county sheriff shall
14 also cause to be published consistent with this subsection a current
15 list of level III registered sex offenders, twice yearly. Unless the
16 information is posted on the web site described in subsection (5) of
17 this section, this list shall be maintained by the county sheriff on a
18 publicly accessible web site and shall be updated at least once per
19 month.

20 (5)(a) When funded by federal grants or other sources, the
21 Washington association of sheriffs and police chiefs shall create and
22 maintain a statewide registered sex offender web site, which shall be
23 available to the public. The web site shall post all level III and
24 level II registered sex offenders in the state of Washington.

25 (i) For level III offenders, the web site shall contain, but is not
26 limited to, the registered sex offender's name, relevant criminal
27 convictions, address by hundred block, physical description, and
28 photograph. The web site shall provide mapping capabilities that
29 display the sex offender's address by hundred block on a map. The web
30 site shall allow citizens to search for registered sex offenders within
31 the state of Washington by county, city, zip code, last name, type of
32 conviction, and address by hundred block.

33 (ii) For level II offenders, the web site shall contain, but is not
34 limited to, the same information and functionality as described in
35 (a)(i) of this subsection, provided that it is permissible under state
36 and federal law. If it is not permissible, the web site shall be
37 limited to the information and functionality that is permissible under
38 state and federal law.

1 (b) Until the implementation of (a) of this subsection, the
2 Washington association of sheriffs and police chiefs shall create a web
3 site available to the public that provides electronic links to county-
4 operated web sites that offer sex offender registration information.

5 (6) Local law enforcement agencies that disseminate information
6 pursuant to this section shall: (a) Review available risk level
7 classifications made by the department of corrections, the department
8 of social and health services, and the indeterminate sentence review
9 board; (b) assign risk level classifications to all offenders about
10 whom information will be disseminated; and (c) make a good faith effort
11 to notify the public and residents at least fourteen days before the
12 offender is released from confinement or, where an offender moves from
13 another jurisdiction, as soon as possible after the agency learns of
14 the offender's move, except that in no case may this notification
15 provision be construed to require an extension of an offender's release
16 date. The juvenile court shall provide local law enforcement officials
17 with all relevant information on offenders allowed to remain in the
18 community in a timely manner.

19 (7) An appointed or elected public official, public employee, or
20 public agency as defined in RCW 4.24.470, or units of local government
21 and its employees, as provided in RCW 36.28A.010, are immune from civil
22 liability for damages for any discretionary risk level classification
23 decisions or release of relevant and necessary information, unless it
24 is shown that the official, employee, or agency acted with gross
25 negligence or in bad faith. The immunity in this section applies to
26 risk level classification decisions and the release of relevant and
27 necessary information regarding any individual for whom disclosure is
28 authorized. The decision of a local law enforcement agency or official
29 to classify an offender to a risk level other than the one assigned by
30 the department of corrections, the department of social and health
31 services, or the indeterminate sentence review board, or the release of
32 any relevant and necessary information based on that different
33 classification shall not, by itself, be considered gross negligence or
34 bad faith. The immunity provided under this section applies to the
35 release of relevant and necessary information to other public
36 officials, public employees, or public agencies, and to the general
37 public.

1 (8) Except as may otherwise be provided by law, nothing in this
2 section shall impose any liability upon a public official, public
3 employee, or public agency for failing to release information
4 authorized under this section.

5 (9) Nothing in this section implies that information regarding
6 persons designated in subsection (1) of this section is confidential
7 except as may otherwise be provided by law.

8 (10) When a local law enforcement agency or official classifies an
9 offender differently than the offender is classified by the end of
10 sentence review committee or the department of social and health
11 services at the time of the offender's release from confinement, the
12 law enforcement agency or official shall notify the end of sentence
13 review committee or the department of social and health services and
14 submit its reasons supporting the change in classification. Upon
15 implementation of subsection (5)(a) of this section, notification of
16 the change shall also be sent to the Washington association of sheriffs
17 and police chiefs.

18 **Sec. 6.** RCW 10.01.200 and 1997 c 113 s 5 are each amended to read
19 as follows:

20 The court shall provide written notification to any defendant
21 charged with a sex offense (~~(or)~~) kidnapping offense, or luring
22 offense of the registration requirements of RCW 9A.44.130. Such notice
23 shall be included on any guilty plea forms and judgment and sentence
24 forms provided to the defendant.

25 **Sec. 7.** RCW 43.43.540 and 2002 c 118 s 2 are each amended to read
26 as follows:

27 The county sheriff shall (1) forward the information, photographs,
28 and fingerprints obtained pursuant to RCW 9A.44.130, including any
29 notice of change of address, to the Washington state patrol within five
30 working days; and (2) upon implementation of RCW 4.24.550(5)(a),
31 forward any information obtained pursuant to RCW 9A.44.130 that is
32 necessary to operate the registered sex offender web site described in
33 RCW 4.24.550(5)(a) to the Washington association of sheriffs and police
34 chiefs within five working days of receiving the information, including
35 any notice of change of address or change in risk level notification.
36 The state patrol shall maintain a central registry of sex offenders

1 (~~and~~), kidnapping offenders, and luring offenders required to
2 register under RCW 9A.44.130 and shall adopt rules consistent with
3 chapters 10.97, 10.98, and 43.43 RCW as are necessary to carry out the
4 purposes of RCW 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 46.20.187,
5 70.48.470, and 72.09.330. The Washington state patrol shall reimburse
6 the counties for the costs of processing the offender registration,
7 including taking the fingerprints and the photographs.

8 **Sec. 8.** RCW 70.48.470 and 2000 c 91 s 4 are each amended to read
9 as follows:

10 (1) A person having charge of a jail shall notify in writing any
11 confined person who is in the custody of the jail for a conviction of
12 a sex offense (~~as defined in RCW 9A.44.030 or a~~), kidnapping offense,
13 or luring offense, as defined in RCW 9A.44.130, of the registration
14 requirements of RCW 9A.44.130 at the time of the inmate's release from
15 confinement, and shall obtain written acknowledgment of such
16 notification. The person shall also obtain from the inmate the county
17 of the inmate's residence upon release from jail and, where applicable,
18 the city.

19 (2) When a (~~sex offender or a~~) person convicted of a sex offense,
20 kidnapping offense, or luring offense, as defined in RCW 9A.44.130,
21 under local government jurisdiction will reside in a county other than
22 the county of conviction upon discharge or release, the chief law
23 enforcement officer of the jail or his or her designee shall give
24 notice of the inmate's discharge or release to the sheriff of the
25 county and, where applicable, to the police chief of the city where the
26 offender will reside.

27 **Sec. 9.** RCW 72.09.330 and 1997 c 113 s 8 are each amended to read
28 as follows:

29 (1) The department shall provide written notification to an inmate
30 convicted of a sex offense (~~or~~), kidnapping offense, or luring
31 offense of the registration requirements of RCW 9A.44.130 at the time
32 of the inmate's release from confinement and shall receive and retain
33 a signed acknowledgement of receipt.

34 (2) The department shall provide written notification to an
35 individual convicted of a sex offense (~~or~~), kidnapping offense, or
36 luring offense from another state of the registration requirements of

1 RCW 9A.44.130 at the time the department accepts supervision and has
2 legal authority of the individual under the terms and conditions of the
3 interstate compact agreement under RCW 9.95.270.

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