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HOUSE BILL 2409

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By Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells and Ormsby

Prefiled 1/3/2006. Read first time 01/09/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to strengthening the sex and kidnapping offender  
2 registration statute by decreasing the amount of time within which  
3 returning or out-of-state registrants must register after establishing  
4 residence in Washington, requiring offenders with fixed residences to  
5 provide their complete residential addresses when registering,  
6 requiring homeless offenders, when they check in weekly, to inform the  
7 county sheriff where they have been over the past week and where they  
8 plan to be in the forthcoming week, requiring offenders to sign the  
9 written notice they provide to the county sheriff when they change  
10 residences or cease to have a fixed residence, and clarifying that any  
11 violation of RCW 9A.44.130 is a crime; amending RCW 9A.44.130;  
12 reenacting and amending RCW 9A.44.130; prescribing penalties; providing  
13 an effective date; providing an expiration date; and declaring an  
14 emergency.

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

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

18 (1) Any adult or juvenile residing whether or not the person has a  
19 fixed residence, or who is a student, is employed, or carries on a

1 vocation in this state who has been found to have committed or has been  
2 convicted of any sex offense or kidnapping offense, or who has been  
3 found not guilty by reason of insanity under chapter 10.77 RCW of  
4 committing any sex offense or kidnapping offense, shall register with  
5 the county sheriff for the county of the person's residence, or if the  
6 person is not a resident of Washington, the county of the person's  
7 school, or place of employment or vocation, or as otherwise specified  
8 in this section. Where a person required to register under this  
9 section is in custody of the state department of corrections, the state  
10 department of social and health services, a local division of youth  
11 services, or a local jail or juvenile detention facility as a result of  
12 a sex offense or kidnapping offense, the person shall also register at  
13 the time of release from custody with an official designated by the  
14 agency that has jurisdiction over the person. In addition, any such  
15 adult or juvenile: (a) Who is admitted to a public or private  
16 institution of higher education shall, within ten days of enrolling or  
17 by the first business day after arriving at the institution, whichever  
18 is earlier, notify the sheriff for the county of the person's residence  
19 of the person's intent to attend the institution; (b) who gains  
20 employment at a public or private institution of higher education  
21 shall, within ten days of accepting employment or by the first business  
22 day after commencing work at the institution, whichever is earlier,  
23 notify the sheriff for the county of the person's residence of the  
24 person's employment by the institution; or (c) whose enrollment or  
25 employment at a public or private institution of higher education is  
26 terminated shall, within ten days of such termination, notify the  
27 sheriff for the county of the person's residence of the person's  
28 termination of enrollment or employment at the institution. Persons  
29 required to register under this section who are enrolled in a public or  
30 private institution of higher education on June 11, 1998, must notify  
31 the county sheriff immediately. The sheriff shall notify the  
32 institution's department of public safety and shall provide that  
33 department with the same information provided to a county sheriff under  
34 subsection (3) of this section.

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

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

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

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

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

1           When the agency with jurisdiction intends to release an offender  
2 with a duty to register under this section, and the agency has  
3 knowledge that the offender is eligible for developmental disability  
4 services from the department of social and health services, the agency  
5 shall notify the division of developmental disabilities of the release.  
6 Notice shall occur not more than thirty days before the offender is to  
7 be released. The agency and the division shall assist the offender in  
8 meeting the initial registration requirement under this section.  
9 Failure to provide such assistance shall not constitute a defense for  
10 any violation of this section.

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

31           (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
32 or after July 23, 1995, and kidnapping offenders who, on or after July  
33 27, 1997, as a result of that offense are in the custody of the United  
34 States bureau of prisons or other federal or military correctional  
35 agency for sex offenses committed before, on, or after February 28,  
36 1990, or kidnapping offenses committed on, before, or after July 27,  
37 1997, must register within twenty-four hours from the time of release  
38 with the county sheriff for the county of the person's residence, or if

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

20 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
21 who are convicted of a sex offense on or after July 28, 1991, for a sex  
22 offense that was committed on or after February 28, 1990, and  
23 kidnapping offenders who are convicted on or after July 27, 1997, for  
24 a kidnapping offense that was committed on or after July 27, 1997, but  
25 who are not sentenced to serve a term of confinement immediately upon  
26 sentencing, shall report to the county sheriff to register immediately  
27 upon completion of being sentenced.

28 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
29 RESIDENTS. Sex offenders and kidnapping offenders who move to  
30 Washington state from another state or a foreign country that are not  
31 under the jurisdiction of the state department of corrections, the  
32 indeterminate sentence review board, or the state department of social  
33 and health services at the time of moving to Washington, must register  
34 within (~~thirty days~~) seventy-two hours of establishing residence or  
35 reestablishing residence if the person is a former Washington resident.  
36 The duty to register under this subsection applies to sex offenders  
37 convicted under the laws of another state or a foreign country, federal  
38 or military statutes, or Washington state for offenses committed on or

1 after February 28, 1990, and to kidnapping offenders convicted under  
2 the laws of another state or a foreign country, federal or military  
3 statutes, or Washington state for offenses committed on or after July  
4 27, 1997. Sex offenders and kidnapping offenders from other states or  
5 a foreign country who, when they move to Washington, are under the  
6 jurisdiction of the department of corrections, the indeterminate  
7 sentence review board, or the department of social and health services  
8 must register within twenty-four hours of moving to Washington. The  
9 agency that has jurisdiction over the offender shall notify the  
10 offender of the registration requirements before the offender moves to  
11 Washington.

12 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
13 or juvenile who has been found not guilty by reason of insanity under  
14 chapter 10.77 RCW of (A) committing a sex offense on, before, or after  
15 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
16 as a result of that finding, of the state department of social and  
17 health services, or (B) committing a kidnapping offense on, before, or  
18 after July 27, 1997, and who on or after July 27, 1997, is in custody,  
19 as a result of that finding, of the state department of social and  
20 health services, must register within twenty-four hours from the time  
21 of release with the county sheriff for the county of the person's  
22 residence. The state department of social and health services shall  
23 provide notice to the adult or juvenile in its custody of the duty to  
24 register. Any adult or juvenile who has been found not guilty by  
25 reason of insanity of committing a sex offense on, before, or after  
26 February 28, 1990, but who was released before July 23, 1995, or any  
27 adult or juvenile who has been found not guilty by reason of insanity  
28 of committing a kidnapping offense but who was released before July 27,  
29 1997, shall be required to register within twenty-four hours of  
30 receiving notice of this registration requirement. The state  
31 department of social and health services shall make reasonable attempts  
32 within available resources to notify sex offenders who were released  
33 before July 23, 1995, and kidnapping offenders who were released before  
34 July 27, 1997. Failure to register within twenty-four hours of  
35 release, or of receiving notice, constitutes a violation of this  
36 section and is punishable as provided in subsection (10) of this  
37 section.

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

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

11 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
12 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
13 who move to another state, or who work, carry on a vocation, or attend  
14 school in another state shall register a new address, fingerprints, and  
15 photograph with the new state within ten days after establishing  
16 residence, or after beginning to work, carry on a vocation, or attend  
17 school in the new state. The person must also send written notice  
18 within ten days of moving to the new state or to a foreign country to  
19 the county sheriff with whom the person last registered in Washington  
20 state. The county sheriff shall promptly forward this information to  
21 the Washington state patrol.

22 (b) Failure to register within the time required under this section  
23 constitutes a per se violation of this section and is punishable as  
24 provided in subsection (10) of this section. The county sheriff shall  
25 not be required to determine whether the person is living within the  
26 county.

27 (c) An arrest on charges of failure to register, service of an  
28 information, or a complaint for a violation of this section, or  
29 arraignment on charges for a violation of this section, constitutes  
30 actual notice of the duty to register. Any person charged with the  
31 crime of failure to register under this section who asserts as a  
32 defense the lack of notice of the duty to register shall register  
33 immediately following actual notice of the duty through arrest,  
34 service, or arraignment. Failure to register as required under this  
35 subsection (4)(c) constitutes grounds for filing another charge of  
36 failing to register. Registering following arrest, service, or  
37 arraignment on charges shall not relieve the offender from criminal

1 liability for failure to register prior to the filing of the original  
2 charge.

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

6 (5)(a) If any person required to register pursuant to this section  
7 changes his or her residence address within the same county, the person  
8 must send signed written notice of the change of address to the county  
9 sheriff within seventy-two hours of moving. If any person required to  
10 register pursuant to this section moves to a new county, the person  
11 must send signed written notice of the change of address at least  
12 fourteen days before moving to the county sheriff in the new county of  
13 residence and must register with that county sheriff within twenty-four  
14 hours of moving. The person must also send signed written notice  
15 within ten days of the change of address in the new county to the  
16 county sheriff with whom the person last registered. The county  
17 sheriff with whom the person last registered shall promptly forward the  
18 information concerning the change of address to the county sheriff for  
19 the county of the person's new residence. Upon receipt of notice of  
20 change of address to a new state, the county sheriff shall promptly  
21 forward the information regarding the change of address to the agency  
22 designated by the new state as the state's offender registration  
23 agency.

24 (b) It is an affirmative defense to a charge that the person failed  
25 to send a notice at least fourteen days in advance of moving as  
26 required under (a) of this subsection that the person did not know the  
27 location of his or her new residence at least fourteen days before  
28 moving. The defendant must establish the defense by a preponderance of  
29 the evidence and, to prevail on the defense, must also prove by a  
30 preponderance that the defendant sent the required notice within  
31 twenty-four hours of determining the new address.

32 (6)(a) Any person required to register under this section who lacks  
33 a fixed residence shall provide signed written notice to the sheriff of  
34 the county where he or she last registered within forty-eight hours  
35 excluding weekends and holidays after ceasing to have a fixed  
36 residence. The notice shall include the information required by  
37 subsection (3)(b) of this section, except the photograph and  
38 fingerprints. The county sheriff may, for reasonable cause, require



1 the offender to provide a photograph and fingerprints. The sheriff  
2 shall forward this information to the sheriff of the county in which  
3 the person intends to reside, if the person intends to reside in  
4 another county.

5 (b) A person who lacks a fixed residence must report weekly, in  
6 person, to the sheriff of the county where he or she is registered.  
7 The weekly report shall be on a day specified by the county sheriff's  
8 office, and shall occur during normal business hours. The county  
9 sheriff's office (~~may~~) shall require the person to list the  
10 locations, including addresses when applicable, where the person has  
11 stayed during the last seven days and where the person plans to stay in  
12 the forthcoming seven days. The lack of a fixed residence is a factor  
13 that may be considered in determining an offender's risk level and  
14 shall make the offender subject to disclosure of information to the  
15 public at large pursuant to RCW 4.24.550.

16 (c) If any person required to register pursuant to this section  
17 does not have a fixed residence, it is an affirmative defense to the  
18 charge of failure to register, that he or she provided written notice  
19 to the sheriff of the county where he or she last registered within  
20 forty-eight hours excluding weekends and holidays after ceasing to have  
21 a fixed residence and has subsequently complied with the requirements  
22 of subsections (4)(a)(vii) or (viii) and (6) of this section. To  
23 prevail, the person must prove the defense by a preponderance of the  
24 evidence.

25 (7) A sex offender subject to registration requirements under this  
26 section who applies to change his or her name under RCW 4.24.130 or any  
27 other law shall submit a copy of the application to the county sheriff  
28 of the county of the person's residence and to the state patrol not  
29 fewer than five days before the entry of an order granting the name  
30 change. No sex offender under the requirement to register under this  
31 section at the time of application shall be granted an order changing  
32 his or her name if the court finds that doing so will interfere with  
33 legitimate law enforcement interests, except that no order shall be  
34 denied when the name change is requested for religious or legitimate  
35 cultural reasons or in recognition of marriage or dissolution of  
36 marriage. A sex offender under the requirement to register under this  
37 section who receives an order changing his or her name shall submit a

1 copy of the order to the county sheriff of the county of the person's  
2 residence and to the state patrol within five days of the entry of the  
3 order.

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

6 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,  
7 70.48.470, and 72.09.330:

8 (a) "Sex offense" means:

9 (i) Any offense defined as a sex offense by RCW 9.94A.030;

10 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a  
11 minor in the second degree);

12 (iii) Any violation under RCW 9.68A.090 (communication with a minor  
13 for immoral purposes);

14 (iv) Any federal or out-of-state conviction for an offense that  
15 under the laws of this state would be classified as a sex offense under  
16 this subsection; and

17 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
18 criminal attempt, criminal solicitation, or criminal conspiracy to  
19 commit an offense that is classified as a sex offense under RCW  
20 9.94A.030 or this subsection.

21 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
22 the first degree, kidnapping in the second degree, and unlawful  
23 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
24 minor and the offender is not the minor's parent; (ii) any offense that  
25 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
26 or criminal conspiracy to commit an offense that is classified as a  
27 kidnapping offense under this subsection (9)(b); and (iii) any federal  
28 or out-of-state conviction for an offense that under the laws of this  
29 state would be classified as a kidnapping offense under this subsection  
30 (9)(b).

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

37 (d) "Student" means a person who is enrolled, on a full-time or

1 part-time basis, in any public or private educational institution. An  
2 educational institution includes any secondary school, trade or  
3 professional institution, or institution of higher education.

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

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

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

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

29 **Sec. 2.** RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read  
30 as follows:

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

10 (b) Any adult or juvenile who is required to register under (a) of  
11 this subsection:

12 (i) Who is attending, or planning to attend, a public or private  
13 school regulated under Title 28A RCW or chapter 72.40 RCW shall, within  
14 ten days of enrolling or prior to arriving at the school to attend  
15 classes, whichever is earlier, notify the sheriff for the county of the  
16 person's residence of the person's intent to attend the school, and the  
17 sheriff shall promptly notify the principal of the school;

18 (ii) Who is admitted to a public or private institution of higher  
19 education shall, within ten days of enrolling or by the first business  
20 day after arriving at the institution, whichever is earlier, notify the  
21 sheriff for the county of the person's residence of the person's intent  
22 to attend the institution;

23 (iii) Who gains employment at a public or private institution of  
24 higher education shall, within ten days of accepting employment or by  
25 the first business day after commencing work at the institution,  
26 whichever is earlier, notify the sheriff for the county of the person's  
27 residence of the person's employment by the institution; or

28 (iv) Whose enrollment or employment at a public or private  
29 institution of higher education is terminated shall, within ten days of  
30 such termination, notify the sheriff for the county of the person's  
31 residence of the person's termination of enrollment or employment at  
32 the institution.

33 (c) Persons required to register under this section who are  
34 enrolled in a public or private institution of higher education on June  
35 11, 1998, or a public or private school regulated under Title 28A RCW  
36 or chapter 72.40 RCW on September 1, 2006, must notify the county  
37 sheriff immediately.

1 (d) The sheriff shall notify the school's principal or  
2 institution's department of public safety and shall provide that  
3 department with the same information provided to a county sheriff under  
4 subsection (3) of this section.

5 (e)(i) A principal receiving notice under this subsection must  
6 disclose the information received from the sheriff under (b) of this  
7 subsection as follows:

8 (A) If the student who is required to register as a sex offender is  
9 classified as a risk level II or III, the principal shall provide the  
10 information received to every teacher of any student required to  
11 register under (a) of this subsection and to any other personnel who,  
12 in the judgment of the principal, supervises the student or for  
13 security purposes should be aware of the student's record;

14 (B) If the student who is required to register as a sex offender is  
15 classified as a risk level I, the principal shall provide the  
16 information received only to personnel who, in the judgment of the  
17 principal, for security purposes should be aware of the student's  
18 record.

19 (ii) Any information received by a principal or school personnel  
20 under this subsection is confidential and may not be further  
21 disseminated except as provided in RCW 28A.225.330, other statutes or  
22 case law, and the family and educational and privacy rights act of  
23 1994, 20 U.S.C. Sec. 1232g et seq.

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

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

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

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

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

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

37 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
38 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody

1 but are under the jurisdiction of the indeterminate sentence review  
2 board or under the department of corrections' active supervision, as  
3 defined by the department of corrections, the state department of  
4 social and health services, or a local division of youth services, for  
5 sex offenses committed before, on, or after February 28, 1990, must  
6 register within ten days of July 28, 1991. Kidnapping offenders who,  
7 on July 27, 1997, are not in custody but are under the jurisdiction of  
8 the indeterminate sentence review board or under the department of  
9 corrections' active supervision, as defined by the department of  
10 corrections, the state department of social and health services, or a  
11 local division of youth services, for kidnapping offenses committed  
12 before, on, or after July 27, 1997, must register within ten days of  
13 July 27, 1997. A change in supervision status of a sex offender who  
14 was required to register under this subsection (4)(a)(ii) as of July  
15 28, 1991, or a kidnapping offender required to register as of July 27,  
16 1997, shall not relieve the offender of the duty to register or to  
17 reregister following a change in residence. The obligation to register  
18 shall only cease pursuant to RCW 9A.44.140.

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

1 register under this subsection (4)(a)(iii) as of July 23, 1995, or a  
2 kidnapping offender required to register as of July 27, 1997 shall not  
3 relieve the offender of the duty to register or to reregister following  
4 a change in residence, or if the person is not a resident of  
5 Washington, the county of the person's school, or place of employment  
6 or vocation. The obligation to register shall only cease pursuant to  
7 RCW 9A.44.140.

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

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



1 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
2 or juvenile who has been found not guilty by reason of insanity under  
3 chapter 10.77 RCW of (A) committing a sex offense on, before, or after  
4 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
5 as a result of that finding, of the state department of social and  
6 health services, or (B) committing a kidnapping offense on, before, or  
7 after July 27, 1997, and who on or after July 27, 1997, is in custody,  
8 as a result of that finding, of the state department of social and  
9 health services, must register within twenty-four hours from the time  
10 of release with the county sheriff for the county of the person's  
11 residence. The state department of social and health services shall  
12 provide notice to the adult or juvenile in its custody of the duty to  
13 register. Any adult or juvenile who has been found not guilty by  
14 reason of insanity of committing a sex offense on, before, or after  
15 February 28, 1990, but who was released before July 23, 1995, or any  
16 adult or juvenile who has been found not guilty by reason of insanity  
17 of committing a kidnapping offense but who was released before July 27,  
18 1997, shall be required to register within twenty-four hours of  
19 receiving notice of this registration requirement. The state  
20 department of social and health services shall make reasonable attempts  
21 within available resources to notify sex offenders who were released  
22 before July 23, 1995, and kidnapping offenders who were released before  
23 July 27, 1997. Failure to register within twenty-four hours of  
24 release, or of receiving notice, constitutes a violation of this  
25 section and is punishable as provided in subsection (10) of this  
26 section.

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

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

37 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
38 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,

1 who move to another state, or who work, carry on a vocation, or attend  
2 school in another state shall register a new address, fingerprints, and  
3 photograph with the new state within ten days after establishing  
4 residence, or after beginning to work, carry on a vocation, or attend  
5 school in the new state. The person must also send written notice  
6 within ten days of moving to the new state or to a foreign country to  
7 the county sheriff with whom the person last registered in Washington  
8 state. The county sheriff shall promptly forward this information to  
9 the Washington state patrol.

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

15 (c) An arrest on charges of failure to register, service of an  
16 information, or a complaint for a violation of this section, or  
17 arraignment on charges for a violation of this section, constitutes  
18 actual notice of the duty to register. Any person charged with the  
19 crime of failure to register under this section who asserts as a  
20 defense the lack of notice of the duty to register shall register  
21 immediately following actual notice of the duty through arrest,  
22 service, or arraignment. Failure to register as required under this  
23 subsection (4)(c) constitutes grounds for filing another charge of  
24 failing to register. Registering following arrest, service, or  
25 arraignment on charges shall not relieve the offender from criminal  
26 liability for failure to register prior to the filing of the original  
27 charge.

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

31 (5)(a) If any person required to register pursuant to this section  
32 changes his or her residence address within the same county, the person  
33 must send signed written notice of the change of address to the county  
34 sheriff within seventy-two hours of moving. If any person required to  
35 register pursuant to this section moves to a new county, the person  
36 must send signed written notice of the change of address at least  
37 fourteen days before moving to the county sheriff in the new county of  
38 residence and must register with that county sheriff within twenty-four

1 hours of moving. The person must also send signed written notice  
2 within ten days of the change of address in the new county to the  
3 county sheriff with whom the person last registered. The county  
4 sheriff with whom the person last registered shall promptly forward the  
5 information concerning the change of address to the county sheriff for  
6 the county of the person's new residence. Upon receipt of notice of  
7 change of address to a new state, the county sheriff shall promptly  
8 forward the information regarding the change of address to the agency  
9 designated by the new state as the state's offender registration  
10 agency.

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

19 (6)(a) Any person required to register under this section who lacks  
20 a fixed residence shall provide signed written notice to the sheriff of  
21 the county where he or she last registered within forty-eight hours  
22 excluding weekends and holidays after ceasing to have a fixed  
23 residence. The notice shall include the information required by  
24 subsection (3)(b) of this section, except the photograph and  
25 fingerprints. The county sheriff may, for reasonable cause, require  
26 the offender to provide a photograph and fingerprints. The sheriff  
27 shall forward this information to the sheriff of the county in which  
28 the person intends to reside, if the person intends to reside in  
29 another county.

30 (b) A person who lacks a fixed residence must report weekly, in  
31 person, to the sheriff of the county where he or she is registered.  
32 The weekly report shall be on a day specified by the county sheriff's  
33 office, and shall occur during normal business hours. The county  
34 sheriff's office (~~may~~) shall require the person to list the  
35 locations, including addresses when applicable, where the person has  
36 stayed during the last seven days and where the person plans to stay in  
37 the forthcoming seven days. The lack of a fixed residence is a factor

1 that may be considered in determining an offender's risk level and  
2 shall make the offender subject to disclosure of information to the  
3 public at large pursuant to RCW 4.24.550.

4 (c) If any person required to register pursuant to this section  
5 does not have a fixed residence, it is an affirmative defense to the  
6 charge of failure to register, that he or she provided written notice  
7 to the sheriff of the county where he or she last registered within  
8 forty-eight hours excluding weekends and holidays after ceasing to have  
9 a fixed residence and has subsequently complied with the requirements  
10 of subsections (4)(a)(vii) or (viii) and (6) of this section. To  
11 prevail, the person must prove the defense by a preponderance of the  
12 evidence.

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

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

31 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,  
32 70.48.470, and 72.09.330:

33 (a) "Sex offense" means:

34 (i) Any offense defined as a sex offense by RCW 9.94A.030;

35 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a  
36 minor in the second degree);

37 (iii) Any violation under RCW 9.68A.090 (communication with a minor  
38 for immoral purposes);

1 (iv) Any federal or out-of-state conviction for an offense that  
2 under the laws of this state would be classified as a sex offense under  
3 this subsection; and

4 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
5 criminal attempt, criminal solicitation, or criminal conspiracy to  
6 commit an offense that is classified as a sex offense under RCW  
7 9.94A.030 or this subsection.

8 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
9 the first degree, kidnapping in the second degree, and unlawful  
10 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
11 minor and the offender is not the minor's parent; (ii) any offense that  
12 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
13 or criminal conspiracy to commit an offense that is classified as a  
14 kidnapping offense under this subsection (9)(b); and (iii) any federal  
15 or out-of-state conviction for an offense that under the laws of this  
16 state would be classified as a kidnapping offense under this subsection  
17 (9)(b).

18 (c) "Employed" or "carries on a vocation" means employment that is  
19 full-time or part-time for a period of time exceeding fourteen days, or  
20 for an aggregate period of time exceeding thirty days during any  
21 calendar year. A person is employed or carries on a vocation whether  
22 the person's employment is financially compensated, volunteered, or for  
23 the purpose of government or educational benefit.

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

28 (10)(a) A person who knowingly fails to (~~register with the county~~  
29 ~~sheriff or notify the county sheriff, or who changes his or her name~~  
30 ~~without notifying the county sheriff and the state patrol, as required~~  
31 ~~by~~) comply with any of the requirements of this section is guilty of  
32 a class C felony if the crime for which the individual was convicted  
33 was a felony sex offense as defined in subsection (9)(a) of this  
34 section or a federal or out-of-state conviction for an offense that  
35 under the laws of this state would be a felony sex offense as defined  
36 in subsection (9)(a) of this section.

37 (b) If the crime for which the individual was convicted was other

1 than a felony or a federal or out-of-state conviction for an offense  
2 that under the laws of this state would be other than a felony,  
3 violation of this section is a gross misdemeanor.

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

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

16 (12) Except as may otherwise be provided by law, nothing in this  
17 section shall impose any liability upon a peace officer, including a  
18 county sheriff, or law enforcement agency, for failing to release  
19 information authorized under this section.

20 NEW SECTION. Sec. 3. Section 1 of this act expires September 1,  
21 2006.

22 NEW SECTION. Sec. 4. Section 1 of this act is necessary for the  
23 immediate preservation of the public peace, health, or safety, or  
24 support of the state government and its existing public institutions,  
25 and takes effect immediately.

26 NEW SECTION. Sec. 5. Section 2 of this act takes effect September  
27 1, 2006.

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