
SENATE BILL 6634

State of Washington

59th Legislature

2006 Regular Session

By Senators Benton, Rasmussen, Benson, Stevens, Carrell, Delvin, Schoesler, Honeyford, Franklin, Johnson, Oke and Roach

Read first time 01/17/2006. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the registration of homeless sex offenders;
2 amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130;
3 prescribing penalties; providing an effective date; and providing an
4 expiration date.

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 who has been
12 found not guilty by reason of insanity under chapter 10.77 RCW of
13 committing any sex offense or kidnapping offense, shall register with
14 the county sheriff for the county of the person's residence, or if the
15 person is not a resident of Washington, the county of the person's
16 school, or place of employment or vocation, or as otherwise specified
17 in this section. Where a person required to register under this
18 section is in custody of the state department of corrections, the state
19 department of social and health services, a local division of youth

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

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

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

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

1 where he or she plans to stay; (xi) address of nearest relative; (xii)
2 phone number of nearest relative; and (xiii) last known address.

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, must register at the time of release from custody with an
17 official designated by the agency that has jurisdiction over the
18 offender. The agency shall within three days forward the registration
19 information to the county sheriff for the county of the offender's
20 anticipated residence. The offender must also register within twenty-
21 four hours from the time of release with the county sheriff for the
22 county of the person's residence, or if the person is not a resident of
23 Washington, the county of the person's school, or place of employment
24 or vocation. The agency that has jurisdiction over the offender shall
25 provide notice to the offender of the duty to register. Failure to
26 register at the time of release and within twenty-four hours of release
27 constitutes a violation of this section and is punishable as provided
28 in subsection (10) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
29 70.48.470, and 72.09.330:

30 (a) "Sex offense" means:

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

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

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

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

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

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

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

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

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

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

37 (11)(a) A person who knowingly fails to register or who moves
38 within the state without notifying the county sheriff as required by

1 this section is guilty of a class C felony if the crime for which the
2 individual was convicted was a felony kidnapping offense as defined in
3 subsection (9)(b) of this section or a federal or out-of-state
4 conviction for an offense that under the laws of this state would be a
5 felony kidnapping offense as defined in subsection (9)(b) of this
6 section.

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

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

13 (1)(a) Any adult or juvenile residing whether or not the person has
14 a fixed residence, or who is a student, is employed, or carries on a
15 vocation in this state who has been found to have committed or has been
16 convicted of any sex offense or kidnapping offense, or who has been
17 found not guilty by reason of insanity under chapter 10.77 RCW of
18 committing any sex offense or kidnapping offense, shall register with
19 the county sheriff for the county of the person's residence, or if the
20 person is not a resident of Washington, the county of the person's
21 school, or place of employment or vocation, or as otherwise specified
22 in this section. Where a person required to register under this
23 section is in custody of the state department of corrections, the state
24 department of social and health services, a local division of youth
25 services, or a local jail or juvenile detention facility as a result of
26 a sex offense or kidnapping offense, the person shall also register at
27 the time of release from custody with an official designated by the
28 agency that has jurisdiction over the person.

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

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

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

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

11 (iv) Whose enrollment or employment at a public or private
12 institution of higher education is terminated shall, within ten days of
13 such termination, notify the sheriff for the county of the person's
14 residence of the person's termination of enrollment or employment at
15 the institution.

16 (c) Persons required to register under this section who are
17 enrolled in a public or private institution of higher education on June
18 11, 1998, or a public or private school regulated under Title 28A RCW
19 or chapter 72.40 RCW on September 1, 2006, must notify the county
20 sheriff immediately.

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

25 (e)(i) A principal receiving notice under this subsection must
26 disclose the information received from the sheriff under (b) of this
27 subsection as follows:

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

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

1 (ii) Any information received by a principal or school personnel
2 under this subsection is confidential and may not be further
3 disseminated except as provided in RCW 28A.225.330, other statutes or
4 case law, and the family and educational and privacy rights act of
5 1994, 20 U.S.C. Sec. 1232g et seq.

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

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

14 (b) Any person who lacks a fixed residence shall provide the
15 following information when registering: (i) Name; (ii) date and place
16 of birth; (iii) place of employment; (iv) crime for which convicted;
17 (v) date and place of conviction; (vi) aliases used; (vii) social
18 security number; (viii) photograph; (ix) fingerprints; (~~and~~) (x)
19 where he or she plans to stay; (xi) address of nearest relative; (xii)
20 phone number of nearest relative; and (xiii) last known address.

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

25 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
26 offense on, before, or after February 28, 1990, and who, on or after
27 July 28, 1991, are in custody, as a result of that offense, of the
28 state department of corrections, the state department of social and
29 health services, a local division of youth services, or a local jail or
30 juvenile detention facility, and (B) kidnapping offenders who on or
31 after July 27, 1997, are in custody of the state department of
32 corrections, the state department of social and health services, a
33 local division of youth services, or a local jail or juvenile detention
34 facility, must register at the time of release from custody with an
35 official designated by the agency that has jurisdiction over the
36 offender. The agency shall within three days forward the registration
37 information to the county sheriff for the county of the offender's
38 anticipated residence. The offender must also register within twenty-

1 four hours from the time of release with the county sheriff for the
2 county of the person's residence, or if the person is not a resident of
3 Washington, the county of the person's school, or place of employment
4 or vocation. The agency that has jurisdiction over the offender shall
5 provide notice to the offender of the duty to register. Failure to
6 register at the time of release and within twenty-four hours of release
7 constitutes a violation of this section and is punishable as provided
8 in subsection (10) of this section.

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

19 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
20 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
21 but are under the jurisdiction of the indeterminate sentence review
22 board or under the department of corrections' active supervision, as
23 defined by the department of corrections, the state department of
24 social and health services, or a local division of youth services, for
25 sex offenses committed before, on, or after February 28, 1990, must
26 register within ten days of July 28, 1991. Kidnapping offenders who,
27 on July 27, 1997, are not in custody but are under the jurisdiction of
28 the indeterminate sentence review board or under the department of
29 corrections' active supervision, as defined by the department of
30 corrections, the state department of social and health services, or a
31 local division of youth services, for kidnapping offenses committed
32 before, on, or after July 27, 1997, must register within ten days of
33 July 27, 1997. A change in supervision status of a sex offender who
34 was required to register under this subsection (4)(a)(ii) as of July
35 28, 1991, or a kidnapping offender required to register as of July 27,
36 1997, shall not relieve the offender of the duty to register or to
37 reregister following a change in residence. The obligation to register
38 shall only cease pursuant to RCW 9A.44.140.

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

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

36 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
37 RESIDENTS. Sex offenders and kidnapping offenders who move to
38 Washington state from another state or a foreign country that are not

1 under the jurisdiction of the state department of corrections, the
2 indeterminate sentence review board, or the state department of social
3 and health services at the time of moving to Washington, must register
4 within thirty days of establishing residence or reestablishing
5 residence if the person is a former Washington resident. The duty to
6 register under this subsection applies to sex offenders convicted under
7 the laws of another state or a foreign country, federal or military
8 statutes, or Washington state for offenses committed on or after
9 February 28, 1990, and to kidnapping offenders convicted under the laws
10 of another state or a foreign country, federal or military statutes, or
11 Washington state for offenses committed on or after July 27, 1997. Sex
12 offenders and kidnapping offenders from other states or a foreign
13 country who, when they move to Washington, are under the jurisdiction
14 of the department of corrections, the indeterminate sentence review
15 board, or the department of social and health services must register
16 within twenty-four hours of moving to Washington. The agency that has
17 jurisdiction over the offender shall notify the offender of the
18 registration requirements before the offender moves to Washington.

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

1 within available resources to notify sex offenders who were released
2 before July 23, 1995, and kidnapping offenders who were released before
3 July 27, 1997. Failure to register within twenty-four hours of
4 release, or of receiving notice, constitutes a violation of this
5 section and is punishable as provided in subsection (10) of this
6 section.

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

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

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

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

33 (c) An arrest on charges of failure to register, service of an
34 information, or a complaint for a violation of this section, or
35 arraignment on charges for a violation of this section, constitutes
36 actual notice of the duty to register. Any person charged with the
37 crime of failure to register under this section who asserts as a
38 defense the lack of notice of the duty to register shall register

1 immediately following actual notice of the duty through arrest,
2 service, or arraignment. Failure to register as required under this
3 subsection (4)(c) constitutes grounds for filing another charge of
4 failing to register. Registering following arrest, service, or
5 arraignment on charges shall not relieve the offender from criminal
6 liability for failure to register prior to the filing of the original
7 charge.

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

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

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

36 (6)(a) Any person required to register under this section who lacks
37 a fixed residence shall provide written notice to the sheriff of the
38 county where he or she last registered within forty-eight hours

1 excluding weekends and holidays after ceasing to have a fixed
2 residence. The notice shall include the information required by
3 subsection (3)(b) of this section, except the photograph and
4 fingerprints. The county sheriff may, for reasonable cause, require
5 the offender to provide a photograph and fingerprints. The sheriff
6 shall forward this information to the sheriff of the county in which
7 the person intends to reside, if the person intends to reside in
8 another county.

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

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

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

1 section who receives an order changing his or her name shall submit a
2 copy of the order to the county sheriff of the county of the person's
3 residence and to the state patrol within five days of the entry of the
4 order.

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

7 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
8 70.48.470, and 72.09.330:

9 (a) "Sex offense" means:

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

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

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

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

18 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
19 criminal attempt, criminal solicitation, or criminal conspiracy to
20 commit an offense that is classified as a sex offense under RCW
21 9.94A.030 or this subsection.

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

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

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

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

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 this section is guilty of a class C felony if the crime for which the
20 individual was convicted was a felony kidnapping offense as defined in
21 subsection (9)(b) of this section or a federal or out-of-state
22 conviction for an offense that under the laws of this state would be a
23 felony kidnapping offense as defined in subsection (9)(b) of this
24 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 (12) Except as may otherwise be provided by law, nothing in this
30 section shall impose any liability upon a peace officer, including a
31 county sheriff, or law enforcement agency, for failing to release
32 information authorized under this section.

33 NEW SECTION. **Sec. 3.** Section 1 of this act expires September 1,
34 2006.

1 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect September
2 1, 2006.

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