

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2534**

Chapter 265, Laws of 2010

61st Legislature  
2010 Regular Session

SEX OFFENDER REGISTRATION--ADDRESS VERIFICATION

EFFECTIVE DATE: 06/10/10

Passed by the House March 8, 2010  
Yeas 96 Nays 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate March 3, 2010  
Yeas 46 Nays 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved March 31, 2010, 4:02 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2534** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

\_\_\_\_\_  
**Chief Clerk**

FILED

April 1, 2010

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2534**

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AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

**State of Washington                      61st Legislature                      2010 Regular Session**

**By** House Public Safety & Emergency Preparedness (originally sponsored by Representatives Hurst, Pearson, O'Brien, Chase, Kelley, Conway, Van De Wege, Sells, Ericks, Morrell, Kirby, Campbell, Haigh, and Smith)

READ FIRST TIME 01/18/10.

1            AN ACT Relating to establishing a program to verify the address of  
2 registered sex offenders and kidnapping offenders; amending RCW  
3 9A.44.130 and 9A.44.135; and adding a new section to chapter 36.28A  
4 RCW.

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

6            **Sec. 1.** RCW 9A.44.130 and 2008 c 230 s 1 are each amended to read  
7 as follows:

8            (1)(a) Any adult or juvenile residing whether or not the person has  
9 a 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.

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

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

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

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

23 (iv) Whose enrollment or employment at a public or private  
24 institution of higher education is terminated shall, within ten days of  
25 such termination, notify the sheriff for the county of the person's  
26 residence of the person's termination of enrollment or employment at  
27 the institution.

28 (c) Persons required to register under this section who are  
29 enrolled in a public or private institution of higher education on June  
30 11, 1998, or a public or private school regulated under Title 28A RCW  
31 or chapter 72.40 RCW on September 1, 2006, must notify the county  
32 sheriff immediately.

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

37 (e)(i) A principal receiving notice under this subsection must

1 disclose the information received from the sheriff under (b) of this  
2 subsection as follows:

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

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

14 (ii) Any information received by a principal or school personnel  
15 under this subsection is confidential and may not be further  
16 disseminated except as provided in RCW 28A.225.330, other statutes or  
17 case law, and the family and educational and privacy rights act of  
18 1994, 20 U.S.C. Sec. 1232g et seq.

19 (2) This section may not be construed to confer any powers pursuant  
20 to RCW 4.24.550 upon the public safety department of any public or  
21 private school or institution of higher education.

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

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

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

37 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
38 offense on, before, or after February 28, 1990, and who, on or after

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

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

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

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

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

1 or vocation. The obligation to register shall only cease pursuant to  
2 RCW 9A.44.140.

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

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

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

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

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

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

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



1 within ten days of moving to the new state or to a foreign country to  
2 the county sheriff with whom the person last registered in Washington  
3 state. The county sheriff shall promptly forward this information to  
4 the Washington state patrol.

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

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

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

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

1 the county of the person's new residence. Upon receipt of notice of  
2 change of address to a new state, the county sheriff shall promptly  
3 forward the information regarding the change of address to the agency  
4 designated by the new state as the state's offender registration  
5 agency.

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

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

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

36 (c) If any person required to register pursuant to this section  
37 does not have a fixed residence, it is an affirmative defense to the  
38 charge of failure to register, that he or she provided written notice

1 to the sheriff of the county where he or she last registered within  
2 forty-eight hours excluding weekends and holidays after ceasing to have  
3 a fixed residence and has subsequently complied with the requirements  
4 of subsections (4)(a)(vii) or (viii) and (6) of this section. To  
5 prevail, the person must prove the defense by a preponderance of the  
6 evidence.

7 ~~(7) ((All offenders who are required to register pursuant to this~~  
8 ~~section who have a fixed residence and who are designated as a risk~~  
9 ~~level II or III must report, in person, every ninety days to the~~  
10 ~~sheriff of the county where he or she is registered. Reporting shall~~  
11 ~~be on a day specified by the county sheriff's office, and shall occur~~  
12 ~~during normal business hours. An offender who complies with the~~  
13 ~~ninety day reporting requirement with no violations for a period of at~~  
14 ~~least five years in the community may petition the superior court to be~~  
15 ~~relieved of the duty to report every ninety days. The petition shall~~  
16 ~~be made to the superior court in the county where the offender resides~~  
17 ~~or reports under this section. The prosecuting attorney of the county~~  
18 ~~shall be named and served as respondent in any such petition. The~~  
19 ~~court shall relieve the petitioner of the duty to report if the~~  
20 ~~petitioner shows, by a preponderance of the evidence, that the~~  
21 ~~petitioner has complied with the reporting requirement for a period of~~  
22 ~~at least five years and that the offender has not been convicted of a~~  
23 ~~criminal violation of this section for a period of at least five years,~~  
24 ~~and the court determines that the reporting no longer serves a public~~  
25 ~~safety purpose. Failure to report, as specified, constitutes a~~  
26 ~~violation of this section and is punishable as provided in subsection~~  
27 ~~(11) of this section.~~

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

1 marriage. A sex offender under the requirement to register under this  
2 section who receives an order changing his or her name shall submit a  
3 copy of the order to the county sheriff of the county of the person's  
4 residence and to the state patrol within five days of the entry of the  
5 order.

6 ~~((9))~~ (8) The county sheriff shall obtain a photograph of the  
7 individual and shall obtain a copy of the individual's fingerprints.  
8 A photograph may be taken at any time to update an individual's file.

9 ~~((10))~~ (9) For the purpose of RCW 9A.44.130, 10.01.200,  
10 43.43.540, 70.48.470, and 72.09.330:

11 (a) "Sex offense" means:

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

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

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

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

20 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
21 criminal attempt, criminal solicitation, or criminal conspiracy to  
22 commit an offense that is classified as a sex offense under RCW  
23 9.94A.030 or this subsection.

24 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
25 the first degree, kidnapping in the second degree, and unlawful  
26 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
27 minor and the offender is not the minor's parent; (ii) any offense that  
28 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
29 or criminal conspiracy to commit an offense that is classified as a  
30 kidnapping offense under this subsection ~~((10))~~ (9)(b); and (iii) any  
31 federal or out-of-state conviction for an offense that under the laws  
32 of this state would be classified as a kidnapping offense under this  
33 subsection ~~((10))~~ (9)(b).

34 (c) "Employed" or "carries on a vocation" means employment that is  
35 full-time or part-time for a period of time exceeding fourteen days, or  
36 for an aggregate period of time exceeding thirty days during any  
37 calendar year. A person is employed or carries on a vocation whether

1 the person's employment is financially compensated, volunteered, or for  
2 the purpose of government or educational benefit.

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

7 (~~(+11+)~~) (10)(a) A person who knowingly fails to comply with any of  
8 the requirements of this section is guilty of a class B felony if the  
9 crime for which the individual was convicted was a felony sex offense  
10 as defined in subsection (~~(+10+)~~) (9)(a) of this section or a federal  
11 or out-of-state conviction for an offense that under the laws of this  
12 state would be a felony sex offense as defined in subsection (~~(+10+)~~)  
13 (9)(a) of this section.

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

18 (~~(+12+)~~) (11)(a) A person who knowingly fails to comply with any of  
19 the requirements of this section is guilty of a class C felony if the  
20 crime for which the individual was convicted was a felony kidnapping  
21 offense as defined in subsection (~~(+10+)~~) (9)(b) of this section or a  
22 federal or out-of-state conviction for an offense that under the laws  
23 of this state would be a felony kidnapping offense as defined in  
24 subsection (~~(+10+)~~) (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 (~~(+13+)~~) (12) Except as may otherwise be provided by law, nothing  
30 in this section shall impose any liability upon a peace officer,  
31 including a county sheriff, or law enforcement agency, for failing to  
32 release information authorized under this section.

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

35 (1) When an offender registers with the county sheriff pursuant to  
36 RCW 9A.44.130, the county sheriff shall notify the police chief or town  
37 marshal of the jurisdiction in which the offender has registered to

1 live. If the offender registers to live in an unincorporated area of  
2 the county, the sheriff shall make reasonable attempts to verify that  
3 the offender is residing at the registered address. If the offender  
4 registers to live in an incorporated city or town, the police chief or  
5 town marshal shall make reasonable attempts to verify that the offender  
6 is residing at the registered address. Reasonable attempts (~~at~~  
7 ~~verifying an address shall include at a minimum:~~

8 ~~(a) For offenders who have not been previously designated sexually~~  
9 ~~violent predators under chapter 71.09 RCW or an equivalent procedure in~~  
10 ~~another jurisdiction, each year the chief law enforcement officer of~~  
11 ~~the jurisdiction where the offender is registered to live shall send))~~  
12 include verifying an offender's address pursuant to the grant program  
13 established under section 3 of this act. If the sheriff or police  
14 chief or town marshal does not participate in the grant program  
15 established under section 3 of this act, reasonable attempts require a  
16 yearly mailing by certified mail, with return receipt requested, a  
17 nonforwardable verification form to the offender at the offender's last  
18 registered address sent by the chief law enforcement officer of the  
19 jurisdiction where the offender is registered to live. (~~(b)~~) For  
20 offenders who have been previously designated sexually violent  
21 predators under chapter 71.09 RCW or the equivalent procedure in  
22 another jurisdiction, even if the designation has subsequently been  
23 removed, this mailing must be sent every ninety days (~~the county~~  
24 ~~sheriff shall send by certified mail, with return receipt requested, a~~  
25 ~~nonforwardable verification form to the offender at the offender's last~~  
26 ~~registered address)).~~

27 (~~(c)~~) The offender must sign the verification form, state on the  
28 form whether he or she still resides at the last registered address,  
29 and return the form to the chief law enforcement officer of the  
30 jurisdiction where the offender is registered to live within ten days  
31 after receipt of the form.

32 (2) The chief law enforcement officer of the jurisdiction where the  
33 offender has registered to live shall make reasonable attempts to  
34 locate any sex offender who fails to return the verification form or  
35 who cannot be located at the registered address.

36 If the offender fails to return the verification form or the  
37 offender is not at the last registered address, the chief law  
38 enforcement officer of the jurisdiction where the offender has

1 registered to live shall promptly forward this information to the  
2 county sheriff and to the Washington state patrol for inclusion in the  
3 central registry of sex offenders.

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

9 (4) County sheriffs and police chiefs or town marshals may enter  
10 into agreements for the purposes of delegating the authority and  
11 obligation to fulfill the requirements of this section.

12 NEW SECTION. Sec. 3. A new section is added to chapter 36.28A RCW  
13 to read as follows:

14 (1) When funded, the Washington association of sheriffs and police  
15 chiefs shall administer a grant program to local governments for the  
16 purpose of verifying the address and residency of sex offenders and  
17 kidnapping offenders registered under RCW 9A.44.130 who reside within  
18 the county sheriff's jurisdiction. The Washington association of  
19 sheriffs and police chiefs shall:

20 (a) Enter into performance-based agreements with local governments  
21 to ensure that registered offender address and residency are verified:

- 22 (i) For level I offenders, every twelve months;
- 23 (ii) For level II offenders, every six months; and
- 24 (iii) For level III offenders, every three months;

25 (b) Collect performance data from all participating jurisdictions  
26 sufficient to evaluate the efficiency and effectiveness of the address  
27 and residency verification program; and

28 (c) Submit a report on the effectiveness of the address and  
29 residency verification program to the governor and the appropriate  
30 committees of the house of representatives and senate by December 31st  
31 each year.

32 (2) The Washington association of sheriffs and police chiefs may  
33 retain up to three percent of the amounts provided pursuant to this  
34 section for the cost of administration. Any funds not disbursed for  
35 address and residency verification or retained for administration may  
36 be allocated to local prosecutors for the prosecution costs associated  
37 with failing to register offenses.

1           (3) For the purposes of this section, unclassified offenders and  
2 kidnapping offenders shall be considered at risk level I unless in the  
3 opinion of the local jurisdiction a higher classification is in the  
4 interest of public safety.

5           (4) County sheriffs and police chiefs or town marshals may enter  
6 into agreements for the purposes of delegating the authority and  
7 obligation to fulfill the requirements of this section.

Passed by the House March 8, 2010.

Passed by the Senate March 3, 2010.

Approved by the Governor March 31, 2010.

Filed in Office of Secretary of State April 1, 2010.