
HOUSE BILL 1080

State of Washington

66th Legislature

2019 Regular Session

By Representatives Klippert and Eslick

Prefiled 01/03/19. Read first time 01/14/19. Referred to Committee on Public Safety.

1 AN ACT Relating to creating a domestic violence offender
2 registry; amending RCW 4.24.130; adding new sections to chapter 10.99
3 RCW; adding a new section to chapter 43.43 RCW; and creating new
4 sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that domestic
7 violence is a serious and pervasive issue facing many Washington
8 families and communities, and many of the most severe crimes that
9 occur in this state are those involving intimate partner and family
10 violence. Domestic violence offenses carry wide ranging effects,
11 including injury to mental and physical health, erosion of economic
12 and housing stability, and vicarious victimization of children, who
13 are often bystander witnesses. Washington state data demonstrates a
14 high rate of reoffense among perpetrators of domestic violence, and
15 there is currently no way of knowing whether any particular person
16 has an offense history in absence of a criminal background check or
17 court records request.

18 The establishment of a searchable public registry of serious
19 domestic violence offenders is an important step toward preventing
20 future victimization and reducing overall rates of domestic violence.
21 The legislature does not intend for the registry to be punitive or an

1 extension of punishment. Instead, it serves as a reasonable
2 regulatory scheme designed to facilitate public access to
3 identification and relevant criminal history information for a subset
4 of particularly dangerous domestic violence offenders with repeated
5 or felony-level offenses. Members of the public have a compelling
6 interest in identifying serious domestic violence offenders so that
7 they may make informed decisions in furtherance of personal security.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.99
9 RCW to read as follows:

10 The definitions in this section apply to sections 3 and 5 through
11 9 of this act unless the context clearly requires otherwise.

12 (1) "Conviction" means any adult conviction, juvenile
13 adjudication, or finding of not guilty by reason of insanity.

14 (2) "Domestic violence offense" means any conviction for a crime
15 in which domestic violence as defined in RCW 9.94A.030 was pleaded
16 and proven.

17 (3) "Qualifying domestic violence offense" means a conviction for
18 any domestic violence offense that either:

19 (a) Is a felony; or

20 (b) Is not a felony and the convicted person has one or more
21 prior or simultaneously entered convictions for a domestic violence
22 offense or any federal or out-of-state conviction for an offense that
23 under the laws of this state would be classified as a domestic
24 violence offense if the offense occurred in Washington.

25 (4) "Serious domestic violence offender" means any person who is
26 convicted of a qualifying domestic violence offense and ordered to
27 appear on the serious domestic violence offender registry established
28 under section 4 of this act.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.99
30 RCW to read as follows:

31 (1) On or after the effective date of this section, when a person
32 is convicted of a qualifying domestic violence offense, the court
33 must enter an order designating the person a serious domestic
34 violence offender and requiring that the person appear on the serious
35 domestic violence offender registry established under section 4 of
36 this act.

37 (2) A court entering an order under subsection (1) of this
38 section shall provide notice to the person of his or her status as a

1 serious domestic violence offender and that he or she will appear on
2 the serious domestic violence offender registry for the applicable
3 time period established in section 5 of this act. The notice must be
4 included on any guilty plea forms and judgment and sentence forms
5 provided to the person.

6 (3) The clerk of the court in which the person was convicted of
7 the qualifying domestic violence offense must forward, electronically
8 or otherwise, to the Washington state patrol, a copy of the judgment
9 and sentence and, to the extent known, the information set out in
10 section 4(2) of this act.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43
12 RCW to read as follows:

13 (1) The Washington state patrol must maintain a central registry
14 of serious domestic violence offenders. The central registry must be
15 made available to the public through a searchable web site.

16 (2) To the extent information is available, the web site must
17 contain, but is not limited to, the following information pertaining
18 to each serious domestic violence offender:

- 19 (a) Name;
- 20 (b) Date of birth;
- 21 (c) All domestic violence offense convictions, including
22 conviction dates and county and state of conviction;
- 23 (d) Address by hundred block;
- 24 (e) Photograph; and
- 25 (f) Any other identifying data the Washington state patrol deems
26 necessary for the public to properly identify the person, but shall
27 not include the person's social security number.

28 (3) The Washington state patrol may use any verified photo of the
29 serious domestic violence offender that is available, including but
30 not limited to the photograph taken at the offender's booking.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 10.99
32 RCW to read as follows:

33 A serious domestic violence offender shall continue to appear on
34 the serious domestic violence offender registry for the longest
35 qualifying duration provided in this section.

36 (1) A serious domestic violence offender shall appear on the
37 registry indefinitely if:

1 (a) The offender's present qualifying domestic violence offense
2 conviction is for a class A felony; or

3 (b) The offender was previously convicted of a domestic violence
4 offense that is a class A felony or has one or more prior federal or
5 out-of-state convictions for an offense that would be a class A
6 felony domestic violence offense if committed in Washington.

7 (2) Unless subsection (1) of this section applies, a serious
8 domestic violence offender shall appear on the registry for a period
9 of fifteen consecutive years in the community without being convicted
10 of any felony or any domestic violence offense if:

11 (a) The offender's present qualifying domestic violence offense
12 conviction is for a class B felony; or

13 (b) The offender was previously convicted of a domestic violence
14 offense that is a class B felony or has one or more prior federal or
15 out-of-state convictions for an offense that would be a class B
16 felony domestic violence offense if committed in Washington.

17 (3) Unless subsection (1) or (2) of this section applies, a
18 serious domestic violence offender shall appear on the registry for a
19 period of ten consecutive years in the community without being
20 convicted of any felony or any domestic violence offense.

21 (4) The time periods in subsections (2) and (3) of this section
22 run from the last date of release from confinement following the
23 conviction for the qualifying offense, if any, or the date of entry
24 of the judgment and sentence for the qualifying offense, whichever is
25 later.

26 (5) Nothing in this section prevents a person from being removed
27 from the registry under the process provided in section 7 of this
28 act.

29 (6) Nothing in RCW 9.94A.637 relating to discharge of an offender
30 shall be construed as operating to relieve the offender of his or her
31 inclusion on the serious domestic violence offender registry pursuant
32 to this chapter.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 10.99
34 RCW to read as follows:

35 (1) Upon the request of a person who appears on the serious
36 domestic violence offender registry, the Washington state patrol
37 shall investigate whether the person's registration period has ended
38 by operation of law pursuant to section 5 of this act.

1 (a) Using available records, the Washington state patrol shall
2 verify that the person has spent the requisite time in the community
3 and has not been convicted of any felony or any domestic violence
4 offenses during that time.

5 (b) If the Washington state patrol determines the person's
6 registration period has ended by operation of law, the Washington
7 state patrol shall remove the person from the central registry.

8 (2) Nothing in this subsection prevents the Washington state
9 patrol from investigating, upon its own initiative, whether a
10 person's registration period has ended by operation of law pursuant
11 to section 5 of this act.

12 (3) The Washington state patrol and its employees are immune from
13 civil liability for damages for removing a person from the central
14 registry of serious domestic violence offenders or the failure to
15 remove a person from the registry according to the time frames
16 provided in section 5 of this act.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 10.99
18 RCW to read as follows:

19 (1) Except as provided in subsection (2) this section, a serious
20 domestic violence offender may petition the superior court for
21 removal from the serious domestic violence offender registry when he
22 or she has spent ten consecutive years in the community without being
23 convicted of any felony or any domestic violence offense during that
24 time period.

25 (2) A serious domestic violence offender whose appearance on the
26 serious domestic violence offender registry is based exclusively on
27 one or more domestic violence offenses committed as a juvenile may
28 petition for removal from the serious domestic violence offender
29 registry under the following timelines:

30 (a) If the offense or offenses requiring registration include any
31 class A felony domestic violence offenses, the offender may petition
32 when: (i) At least five years have passed since the petitioner's
33 adjudication and completion of any term of confinement for the
34 offense or offenses giving rise to inclusion on the registry; and
35 (ii) the petitioner has not been adjudicated or convicted of any
36 felony or any domestic violence offenses within the five years before
37 the petition.

38 (b) For all other domestic violence offenses committed by a
39 juvenile not included in (a) of this subsection, the offender may

1 petition when: (i) At least twenty-four months have passed since the
2 petitioner's adjudication and completion of any term of confinement
3 for the offense giving rise to inclusion on the registry; and (ii)
4 the petitioner has not been adjudicated or convicted of any felony or
5 any domestic violence offenses within the twenty-four months before
6 the petition.

7 (3) A petition for relief from registration must be made to the
8 court in which the petitioner was ordered to be included on the
9 serious domestic violence offender registry. The prosecuting attorney
10 of the county must be named and served as the respondent in any
11 petition. The prosecuting attorney must make reasonable efforts to
12 notify the victim via the victim's choice of telephone, letter, or
13 email, if known.

14 (4)(a) The court may order the petitioner's removal from the
15 registry only if the petitioner shows by clear and convincing
16 evidence that the petitioner is sufficiently rehabilitated to warrant
17 removal from the registry. If the petitioner's inclusion on the
18 registry is based entirely on offenses committed while the petitioner
19 was a juvenile, the petitioner's burden of proof shall be a
20 preponderance of the evidence that the petitioner is sufficiently
21 rehabilitated to warrant removal from the registry.

22 (b) In determining whether the petitioner is sufficiently
23 rehabilitated to warrant removal from the registry, the following
24 factors are provided as guidance to assist the court in making its
25 determination:

26 (i) The nature of the domestic violence offenses committed,
27 including the number of victims and the length of the offense
28 history;

29 (ii) Any subsequent criminal history;

30 (iii) The petitioner's compliance with any applicable supervision
31 requirements;

32 (iv) The length of time since the charged incident(s) occurred;

33 (v) Any input from community corrections officers, law
34 enforcement, treatment providers, or other criminal justice
35 professionals;

36 (vi) The petitioner's stability in employment and housing;

37 (vii) The petitioner's community and personal support system;

38 (viii) Any risk assessments or evaluations prepared by a
39 qualified professional; and

40 (ix) Any other factors the court may consider relevant.

1 (5) If a serious domestic violence offender's entry on the
2 registry lists an offense for which the conviction is subsequently
3 overturned or otherwise set aside by court order on grounds
4 consistent with innocence, the serious domestic violence offender may
5 petition the court for removal of the offense from the registry. If
6 the court finds that the offense conviction has been overturned or
7 otherwise set aside by court order on grounds consistent with
8 innocence, the court may order that the offense be removed from the
9 registry.

10 (6) If a person is granted an order of removal from the registry
11 or removal of an offense from the registry pursuant to this section,
12 the order of removal does not constitute a certificate of
13 rehabilitation, or the equivalent of a certificate of rehabilitation,
14 for the purposes of restoration of firearm possession under RCW
15 9.41.040.

16 (7) If the court orders removal from the registry or removal of
17 an offense from the registry, the court must send a copy of the order
18 to the Washington state patrol. The Washington state patrol must
19 remove the person from the registry within thirty calendar days.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 10.99
21 RCW to read as follows:

22 The Washington state patrol must notify registered serious
23 domestic violence offenders of any changes to the serious domestic
24 violence offender registration requirements.

25 NEW SECTION. **Sec. 9.** A new section is added to chapter 10.99
26 RCW to read as follows:

27 A serious domestic violence offender who applies to change his or
28 her name under RCW 4.24.130 or any other law shall submit a copy of
29 the application to the Washington state patrol not fewer than five
30 days before the entry of an order granting the name change. A serious
31 domestic violence offender may not be granted an order changing his
32 or her name under RCW 4.24.130 or any other law if the court finds
33 that doing so will interfere with legitimate law enforcement
34 interests, except that no order may be denied when the name change is
35 requested in recognition of marriage or dissolution of marriage. A
36 court granting an order changing the name of a serious domestic
37 violence offender must submit a copy of the order to the Washington
38 state patrol within seventy-two hours of the entry of the order.

1 **Sec. 10.** RCW 4.24.130 and 1998 c 220 s 5 are each amended to
2 read as follows:

3 (1) Any person desiring a change of his or her name or that of
4 his or her child or ward, may apply therefor to the district court of
5 the judicial district in which he or she resides, by petition setting
6 forth the reasons for such change; thereupon such court in its
7 discretion may order a change of the name and thenceforth the new
8 name shall be in place of the former.

9 (2) An offender under the jurisdiction of the department of
10 corrections who applies to change his or her name under subsection
11 (1) of this section shall submit a copy of the application to the
12 department of corrections not fewer than five days before the entry
13 of an order granting the name change. No offender under the
14 jurisdiction of the department of corrections at the time of
15 application shall be granted an order changing his or her name if the
16 court finds that doing so will interfere with legitimate penological
17 interests, except that no order shall be denied when the name change
18 is requested for religious or legitimate cultural reasons or in
19 recognition of marriage or dissolution of marriage. An offender under
20 the jurisdiction of the department of corrections who receives an
21 order changing his or her name shall submit a copy of the order to
22 the department of corrections within five days of the entry of the
23 order. Violation of this subsection is a misdemeanor.

24 (3) A sex offender subject to registration under RCW 9A.44.130
25 who applies to change his or her name under subsection (1) of this
26 section shall follow the procedures set forth in RCW 9A.44.130(~~(+6)~~)
27 (7).

28 (4) A serious domestic violence offender subject to registration
29 under section 3 of this act who applies to change his or her name
30 under subsection (1) of this section shall follow the procedures set
31 forth in section 9 of this act.

32 (5) The district court shall collect the fees authorized by RCW
33 36.18.010 for filing and recording a name change order, and transmit
34 the fee and the order to the county auditor. The court may collect a
35 reasonable fee to cover the cost of transmitting the order to the
36 county auditor.

37 (~~(+5)~~) (6) Name change petitions may be filed and shall be heard
38 in superior court when the person desiring a change of his or her
39 name or that of his or her child or ward is a victim of domestic
40 violence as defined in RCW 26.50.010(~~(+1)~~) and the person seeks to

1 have the name change file sealed due to reasonable fear for his or
2 her safety or that of his or her child or ward. Upon granting the
3 name change, the superior court shall seal the file if the court
4 finds that the safety of the person seeking the name change or his or
5 her child or ward warrants sealing the file. In all cases filed under
6 this subsection, whether or not the name change petition is granted,
7 there shall be no public access to any court record of the name
8 change filing, proceeding, or order, unless the name change is
9 granted but the file is not sealed.

10 NEW SECTION. **Sec. 11.** The Washington state patrol may adopt
11 rules necessary to implement this act.

--- END ---