
SUBSTITUTE HOUSE BILL 1394

State of Washington

68th Legislature

2023 Regular Session

By House Human Services, Youth, & Early Learning (originally sponsored by Representatives Senn, Goodman, Simmons, Lekanoff, and Doglio)

READ FIRST TIME 02/07/23.

1 AN ACT Relating to creating a developmentally appropriate
2 response to youth who commit sexual offenses; amending RCW
3 18.155.020, 9A.44.128, 9A.44.130, 9A.44.132, 9A.44.140, 13.40.162,
4 and 9A.44.145; adding a new section to chapter 13.40 RCW; adding a
5 new section to chapter 9A.44 RCW; creating a new section; prescribing
6 penalties; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that successful
9 rehabilitation of youth adjudicated of sex offenses is the best path
10 to reducing recidivism.

11 (2) The legislature finds that researchers from the Johns Hopkins
12 University and other academic institutions found that treatment for
13 minors convicted of sexual offenses would provide increased public
14 safety, while registration and notification policies for minors
15 convicted of sexual offenses failed to improve community safety. The
16 legislature finds that requiring youth to register as sex offenders
17 is associated with mental health struggles, including depression,
18 anxiety, and suicidal ideation, as well as the increased likelihood
19 of becoming a target of sexual abuse by adults.

20 (3) The legislature finds that while adults can petition for
21 relief of registration for offenses committed as minors, the legal

1 process is overly cumbersome, expensive, and challenging to the point
2 that many never request removal and remain on the registry their
3 entire lives.

4 (4) The legislature declares that the response to sex offenses
5 committed by youth should be developmentally appropriate and driven
6 by research. The legislature therefore intends to increase community
7 safety by reforming juvenile sex offender registration policy and
8 related areas to redirect the focus toward practices that increase
9 prevention and promote successful intervention strategies.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40
11 RCW to read as follows:

12 (1) Subject to the availability of amounts appropriated for this
13 specific purpose, the department shall develop and implement a grant
14 program that allows defense attorneys and counties to apply for
15 funding for sex offender evaluation and treatment programs.

16 (2) Subject to the availability of amounts appropriated for this
17 specific purpose, the department shall provide funding to counties
18 for process mapping, site assessment, and training for additional sex
19 offender treatment modalities such as multisystemic therapy-problem
20 sexual behavior or problematic sexual behavior-cognitive behavioral
21 therapy.

22 **Sec. 3.** RCW 18.155.020 and 2020 c 266 s 1 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter:

26 (1) "Advisory committee" means the sex offender treatment
27 providers advisory committee established under RCW 18.155.100.

28 (2) "Certified sex offender treatment provider" means an
29 individual who is a licensed psychologist, licensed marriage and
30 family therapist, licensed social worker, licensed mental health
31 counselor, or psychiatrist as defined in RCW 71.05.020, who is
32 certified to examine and treat sex offenders pursuant to chapters
33 9.94A and 13.40 RCW and sexually violent predators under chapter
34 71.09 RCW.

35 (3) "Certified affiliate sex offender treatment provider" means
36 an individual who is a licensed psychologist, licensed marriage and
37 family therapist, licensed social worker, licensed mental health
38 counselor, licensed mental health counselor associate, licensed

1 independent clinical social worker associate, licensed advanced
2 social worker associate, licensed marriage and family therapist
3 associate, or psychiatrist as defined in RCW 71.05.020, who is
4 certified as an affiliate to examine and treat sex offenders pursuant
5 to chapters 9.94A and 13.40 RCW and sexually violent predators under
6 chapter 71.09 RCW under the supervision of a qualified supervisor.

7 (4) "Department" means the department of health.

8 (5) (a) "Qualified supervisor" means:

9 (i) A person who meets the requirements for certification as a
10 sex offender treatment provider;

11 (ii) A person who meets a lifetime experience threshold of having
12 provided at least two thousand hours of direct sex offender specific
13 treatment and assessment services and who continues to maintain
14 professional involvement in the field; or

15 (iii) A person who meets a lifetime experience threshold of at
16 least two years of full-time work in a state-run facility or state-
17 run treatment program providing direct sex offender specific
18 treatment and assessment services and who continues to maintain
19 professional involvement in the field.

20 (b) A qualified supervisor not credentialed by the department as
21 a sex offender treatment provider must sign and submit to the
22 department an attestation form provided by the department stating
23 under penalty of perjury that the qualified supervisor has met the
24 requisite education, training, or experience requirements and that
25 the qualified supervisor is able to substantiate the qualified
26 supervisor's claim to have met the requirements for education,
27 training, or experience.

28 (6) "Secretary" means the secretary of health.

29 (7) "Sex offender treatment provider" or "affiliate sex offender
30 treatment provider" means a person who counsels or treats sex
31 offenders accused of or convicted of a sex offense as defined by RCW
32 9.94A.030.

33 **Sec. 4.** RCW 9A.44.128 and 2015 c 261 s 2 are each amended to
34 read as follows:

35 For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200,
36 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

37 (1) "Business day" means any day other than Saturday, Sunday, or
38 a legal local, state, or federal holiday.

1 (2) "Conviction" means any adult conviction or juvenile
2 adjudication for a sex offense or kidnapping offense.

3 (3) "Disqualifying offense" means a conviction for: Any offense
4 that is a felony; a sex offense as defined in this section; a crime
5 against children or persons as defined in RCW 43.43.830(7) and
6 9.94A.411(2)(a); an offense with a domestic violence designation as
7 provided in RCW 10.99.020; permitting the commercial sexual abuse of
8 a minor as defined in RCW 9.68A.103; or any violation of chapter
9 9A.88 RCW.

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

16 (5) "Fixed residence" means a building that a person lawfully and
17 habitually uses as living quarters a majority of the week. Uses as
18 living quarters means to conduct activities consistent with the
19 common understanding of residing, such as sleeping; eating; keeping
20 personal belongings; receiving mail; and paying utilities, rent, or
21 mortgage. A nonpermanent structure including, but not limited to, a
22 motor home, travel trailer, camper, or boat may qualify as a
23 residence provided it is lawfully and habitually used as living
24 quarters a majority of the week, primarily kept at one location with
25 a physical address, and the location it is kept at is either owned or
26 rented by the person or used by the person with the permission of the
27 owner or renter. A shelter program may qualify as a residence
28 provided it is a shelter program designed to provide temporary living
29 accommodations for the homeless, provides an offender with a
30 personally assigned living space, and the offender is permitted to
31 store belongings in the living space.

32 (6) "In the community" means residing outside of confinement or
33 incarceration for a disqualifying offense.

34 (7) "Institution of higher education" means any public or private
35 institution dedicated to postsecondary education, including any
36 college, university, community college, trade, or professional
37 school.

38 (8) "Kidnapping offense" means:

39 (a) The crimes of kidnapping in the first degree, kidnapping in
40 the second degree, and unlawful imprisonment, as defined in chapter

1 9A.40 RCW, where the victim is a minor and the offender is not the
2 minor's parent;

3 (b) Any offense that is, under chapter 9A.28 RCW, a criminal
4 attempt, criminal solicitation, or criminal conspiracy to commit an
5 offense that is classified as a kidnapping offense under this
6 subsection;

7 (c) Any federal or out-of-state conviction for: An offense for
8 which the person would be required to register as a kidnapping
9 offender if residing in the state of conviction; or, if not required
10 to register in the state of conviction, an offense that under the
11 laws of this state would be classified as a kidnapping offense under
12 this subsection; and

13 (d) Any tribal conviction for an offense for which the person
14 would be required to register as a kidnapping offender while residing
15 in the reservation of conviction; or, if not required to register in
16 the reservation of conviction, an offense that under the laws of this
17 state would be classified as a kidnapping offense under this
18 subsection.

19 (9) "Lacks a fixed residence" means the person does not have a
20 living situation that meets the definition of a fixed residence and
21 includes, but is not limited to, a shelter program designed to
22 provide temporary living accommodations for the homeless, an outdoor
23 sleeping location, or locations where the person does not have
24 permission to stay.

25 (10) "Sex offense" means:

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

27 (b) Any violation under RCW 9A.44.096 (sexual misconduct with a
28 minor in the second degree);

29 (c) Any violation under RCW 9A.40.100(1)(b)(ii) (trafficking);

30 (d) Any violation under RCW 9.68A.090 (communication with a minor
31 for immoral purposes);

32 (e) A violation under RCW 9A.88.070 (promoting prostitution in
33 the first degree) or RCW 9A.88.080 (promoting prostitution in the
34 second degree) if the person has a prior conviction for one of these
35 offenses;

36 (f) Any violation under RCW 9A.40.100(1)(a)(i)(A) (III) or (IV)
37 or (a)(i)(B);

38 (g) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
39 criminal attempt, criminal solicitation, or criminal conspiracy to

1 commit an offense that is classified as a sex offense under RCW
2 9.94A.030 or this subsection;

3 (h) Any out-of-state conviction for an offense for which the
4 person would be required to register as a sex offender while residing
5 in the state of conviction; or, if not required to register in the
6 state of conviction, an offense that under the laws of this state
7 would be classified as a sex offense under this subsection;

8 (i) Any federal conviction classified as a sex offense under 42
9 U.S.C. Sec. 16911 (SORNA);

10 (j) Any military conviction for a sex offense. This includes sex
11 offenses under the uniform code of military justice, as specified by
12 the United States secretary of defense;

13 (k) Any conviction in a foreign country for a sex offense if it
14 was obtained with sufficient safeguards for fundamental fairness and
15 due process for the accused under guidelines or regulations
16 established pursuant to 42 U.S.C. Sec. 16912;

17 (l) Any tribal conviction for an offense for which the person
18 would be required to register as a sex offender while residing in the
19 reservation of conviction; or, if not required to register in the
20 reservation of conviction, an offense that under the laws of this
21 state would be classified as a sex offense under this subsection.

22 (11) "School" means a public or private school regulated under
23 Title 28A RCW or chapter 72.40 RCW.

24 (12) "Student" means a person who is enrolled, on a full-time or
25 part-time basis, in any school or institution of higher education.

26 (13) "Adult" means a person who is 18 years of age or older on
27 the offense date or who is convicted of and sentenced for an offense
28 in adult court pursuant to RCW 13.04.030(1)(e)(v) or 13.40.110.

29 **Sec. 5.** RCW 9A.44.130 and 2017 c 174 s 3 are each amended to
30 read as follows:

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

1 the county of the person's school, or place of employment or
2 vocation, or as otherwise specified in this section.

3 (b) Any person who is not an adult residing whether or not the
4 person has a fixed residence, or who is a student, is employed, or
5 carries on a vocation in this state shall register with the county
6 sheriff for the county of the person's residence, or if the person is
7 not a resident of Washington, the county of the person's school, or
8 place of employment or vocation, or as otherwise specified in this
9 section if the person:

10 (i) Committed a class A or class B sex offense when the person
11 was age 16 or 17 and did not receive a special sex offender
12 disposition alternative under RCW 13.40.162;

13 (ii) Committed rape in the first degree when the person was age
14 15;

15 (iii) Committed rape in the second degree when the person was age
16 15 and the person did not receive a special sex offender disposition
17 alternative under RCW 13.40.162;

18 (iv) Committed a sex offense and, on the offense date, the
19 juvenile had a prior conviction for a sex offense as defined in RCW
20 9A.44.128 or had a deferred disposition for a sex offense pursuant to
21 RCW 13.40.127;

22 (v) Has a special sex offender disposition alternative under RCW
23 13.40.162 revoked for:

24 (A) A class A or class B sex offense that was committed when the
25 person was age 16 or 17; or

26 (B) A rape in the second degree offense that was committed when
27 the person was age 15;

28 (vi) Has an out-of-state, tribal, or federal conviction for a sex
29 offense;

30 (vii) Committed a kidnapping offense; or

31 (viii) Is found by the court based on clear, cogent, and
32 convincing evidence to:

33 (A) Be age 15, 16, or 17 on the offense date;

34 (B) Not have received a special sex offender disposition
35 alternative under RCW 13.40.162 for the offense triggering possible
36 registration or have had a special sex offender disposition
37 alternative under RCW 13.40.162 revoked for that offense;

38 (C) Have been adjudicated of multiple sex offenses involving two
39 or more distinct victims in separate counts or separate causes;

1 (D) Present a serious threat to public safety after the last date
2 of release from confinement, including full-time residential
3 treatment, if any, or entry of disposition; and

4 (E) Require registration in order to lessen the serious threat to
5 public safety.

6 (c) When a person required to register under this section is in
7 custody of the state department of corrections, the state department
8 of social and health services, a local division of youth services, or
9 a local jail or juvenile detention facility as a result of a sex
10 offense or kidnapping offense, the person shall also register at the
11 time of release from custody with an official designated by the
12 agency that has jurisdiction over the person.

13 ~~((b))~~ (d) Any adult or juvenile who is required to register
14 under ~~((a))~~ (b) of this subsection must give notice to the county
15 sheriff of the county with whom the person is registered within three
16 business days:

17 (i) Prior to arriving at a school or institution of higher
18 education to attend classes;

19 (ii) Prior to starting work at an institution of higher
20 education; or

21 (iii) After any termination of enrollment or employment at a
22 school or institution of higher education.

23 (2)(a) A person required to register under this section must
24 provide the following information when registering: (i) Name and any
25 aliases used; (ii) complete and accurate residential address or, if
26 the person lacks a fixed residence, where he or she plans to stay;
27 (iii) date and place of birth; (iv) place of employment; (v) crime
28 for which convicted; (vi) date and place of conviction; (vii) social
29 security number; (viii) photograph; and (ix) fingerprints.

30 (b) A person may be required to update any of the information
31 required in this subsection in conjunction with any address
32 verification conducted by the county sheriff or as part of any notice
33 required by this section.

34 (c) A photograph or copy of an individual's fingerprints, which
35 may include palmprints may be taken at any time to update an
36 individual's file.

37 (3) Any person required to register under this section who
38 intends to travel outside the United States must provide, by
39 certified mail, with return receipt requested, or in person, signed
40 written notice of the plan to travel outside the country to the

1 county sheriff of the county with whom the person is registered at
2 least twenty-one days prior to travel. The notice shall include the
3 following information: (a) Name; (b) passport number and country; (c)
4 destination; (d) itinerary details including departure and return
5 dates; (e) means of travel; and (f) purpose of travel. If the
6 offender subsequently cancels or postpones travel outside the United
7 States, the offender must notify the county sheriff not later than
8 three days after cancellation or postponement of the intended travel
9 outside the United States or on the departure date provided in the
10 notification, whichever is earlier. The county sheriff shall notify
11 the United States marshals service as soon as practicable after
12 receipt of the notification. In cases of unexpected travel due to
13 family or work emergencies, or for offenders who travel routinely
14 across international borders for work-related purposes, the notice
15 must be submitted in person at least twenty-four hours prior to
16 travel to the sheriff of the county where such offenders are
17 registered with a written explanation of the circumstances that make
18 compliance with this subsection (3) impracticable.

19 (4)(a) Offenders shall register with the county sheriff within
20 the following deadlines:

21 (i) OFFENDERS IN CUSTODY. Sex offenders or kidnapping offenders
22 who are in custody of the state department of corrections, the state
23 department of social and health services, a local division of youth
24 services, or a local jail or juvenile detention facility, must
25 register at the time of release from custody with an official
26 designated by the agency that has jurisdiction over the offender. The
27 agency shall within three days forward the registration information
28 to the county sheriff for the county of the offender's anticipated
29 residence. The offender must also register within three business days
30 from the time of release with the county sheriff for the county of
31 the person's residence, or if the person is not a resident of
32 Washington, the county of the person's school, or place of employment
33 or vocation. The agency that has jurisdiction over the offender shall
34 provide notice to the offender of the duty to register.

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

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

5 When a person required to register under this section is in the
6 custody of the state department of corrections or a local corrections
7 or probations agency and has been approved for partial confinement as
8 defined in RCW 9.94A.030, the person must register at the time of
9 transfer to partial confinement with the official designated by the
10 agency that has jurisdiction over the offender. The agency shall
11 within three days forward the registration information to the county
12 sheriff for the county in which the offender is in partial
13 confinement. The offender must also register within three business
14 days from the time of the termination of partial confinement or
15 release from confinement with the county sheriff for the county of
16 the person's residence. The agency that has jurisdiction over the
17 offender shall provide notice to the offender of the duty to
18 register.

19 (ii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders or
20 kidnapping offenders who are in the custody of the United States
21 bureau of prisons or other federal or military correctional agency
22 must register within three business days from the time of release
23 with the county sheriff for the county of the person's residence, or
24 if the person is not a resident of Washington, the county of the
25 person's school, or place of employment or vocation.

26 (iii) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
27 who are convicted of a sex offense and kidnapping offenders who are
28 convicted for a kidnapping offense but who are not sentenced to serve
29 a term of confinement immediately upon sentencing shall report to the
30 county sheriff to register within three business days of being
31 sentenced.

32 (iv) OFFENDERS WHO ARE NEW RESIDENTS, TEMPORARY RESIDENTS, OR
33 RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping
34 offenders who move to Washington state from another state or a
35 foreign country must register within three business days of
36 establishing residence or reestablishing residence if the person is a
37 former Washington resident. If the offender is under the jurisdiction
38 of an agency of this state when the offender moves to Washington, the
39 agency shall provide notice to the offender of the duty to register.

1 Sex offenders and kidnapping offenders who are visiting
2 Washington state and intend to reside or be present in the state for
3 ten days or more shall register his or her temporary address or where
4 he or she plans to stay with the county sheriff of each county where
5 the offender will be staying within three business days of arrival.
6 Registration for temporary residents shall include the information
7 required by subsection (2)(a) of this section, except the photograph
8 and fingerprints.

9 (v) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
10 or juvenile who has been found not guilty by reason of insanity under
11 chapter 10.77 RCW of committing a sex offense or a kidnapping offense
12 and who is in custody, as a result of that finding, of the state
13 department of social and health services, must register within three
14 business days from the time of release with the county sheriff for
15 the county of the person's residence. The state department of social
16 and health services shall provide notice to the adult or juvenile in
17 its custody of the duty to register.

18 (vi) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a
19 fixed residence and leaves the county in which he or she is
20 registered and enters and remains within a new county for twenty-four
21 hours is required to register with the county sheriff not more than
22 three business days after entering the county and provide the
23 information required in subsection (2)(a) of this section.

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

28 (viii) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR
29 ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in
30 Washington, who move to another state, or who work, carry on a
31 vocation, or attend school in another state shall register a new
32 address, fingerprints, and photograph with the new state within three
33 business days after establishing residence, or after beginning to
34 work, carry on a vocation, or attend school in the new state. The
35 person must also send written notice within three business days of
36 moving to the new state or to a foreign country to the county sheriff
37 with whom the person last registered in Washington state. The county
38 sheriff shall promptly forward this information to the Washington
39 state patrol.

1 (b) The county sheriff shall not be required to determine whether
2 the person is living within the county.

3 (c) An arrest on charges of failure to register, service of an
4 information, or a complaint for a violation of RCW 9A.44.132, or
5 arraignment on charges for a violation of RCW 9A.44.132, constitutes
6 actual notice of the duty to register. Any person charged with the
7 crime of failure to register under RCW 9A.44.132 who asserts as a
8 defense the lack of notice of the duty to register shall register
9 within three business days following actual notice of the duty
10 through arrest, service, or arraignment. Failure to register as
11 required under this subsection (4)(c) constitutes grounds for filing
12 another charge of failing to register. Registering following arrest,
13 service, or arraignment on charges shall not relieve the offender
14 from criminal liability for failure to register prior to the filing
15 of the original charge.

16 (5)(a) If any person required to register pursuant to this
17 section changes his or her residence address within the same county,
18 the person must provide, by certified mail, with return receipt
19 requested or in person, signed written notice of the change of
20 address to the county sheriff within three business days of moving.

21 (b) If any person required to register pursuant to this section
22 moves to a new county, within three business days of moving the
23 person must register with the county sheriff of the county into which
24 the person has moved and provide, by certified mail, with return
25 receipt requested or in person, signed written notice of the change
26 of address to the county sheriff with whom the person last
27 registered. The county sheriff with whom the person last registered
28 is responsible for address verification pursuant to RCW 9A.44.135
29 until the person completes registration of his or her new residence
30 address.

31 (6)(a) Any person required to register under this section who
32 lacks a fixed residence shall provide signed written notice to the
33 sheriff of the county where he or she last registered within three
34 business days after ceasing to have a fixed residence. The notice
35 shall include the information required by subsection (2)(a) of this
36 section, except the photograph, fingerprints, and palmprints. The
37 county sheriff may, for reasonable cause, require the offender to
38 provide a photograph and fingerprints. The sheriff shall forward this
39 information to the sheriff of the county in which the person intends
40 to reside, if the person intends to reside in another county.

1 (b) A person who lacks a fixed residence must report weekly, in
2 person, to the sheriff of the county where he or she is registered.
3 The weekly report shall be on a day specified by the county sheriff's
4 office, and shall occur during normal business hours. The person must
5 keep an accurate accounting of where he or she stays during the week
6 and provide it to the county sheriff upon request. The lack of a
7 fixed residence is a factor that may be considered in determining an
8 offender's risk level and shall make the offender subject to
9 disclosure of information to the public at large pursuant to RCW
10 4.24.550.

11 (c) If any person required to register pursuant to this section
12 does not have a fixed residence, it is an affirmative defense to the
13 charge of failure to register, that he or she provided written notice
14 to the sheriff of the county where he or she last registered within
15 three business days of ceasing to have a fixed residence and has
16 subsequently complied with the requirements of subsection((s))
17 (4)(a)(vi) or (vii) (~~and (6)~~) of this section and this subsection.
18 To prevail, the person must prove the defense by a preponderance of
19 the evidence.

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

36 (8) Except as may otherwise be provided by law, nothing in this
37 section shall impose any liability upon a peace officer, including a
38 county sheriff, or law enforcement agency, for failing to release
39 information authorized under this section.

1 **Sec. 6.** RCW 9A.44.132 and 2019 c 443 s 4 are each amended to
2 read as follows:

3 (1) A person commits the crime of failure to register as a sex
4 offender if the person has a duty to register under RCW 9A.44.130 for
5 a felony sex offense and knowingly fails to comply with any of the
6 requirements of RCW 9A.44.130.

7 (a) The failure to register as a sex offender pursuant to this
8 subsection is a class C felony if the person has a duty to register
9 under RCW 9A.44.130(1)(a) and:

10 (i) It is the person's first conviction for a felony failure to
11 register; or

12 (ii) The person has previously been convicted of a felony failure
13 to register as a sex offender in this state or pursuant to the laws
14 of another state, or pursuant to federal law.

15 (b) If a person has a duty to register under RCW 9A.44.130(1)(a)
16 and has been convicted of a felony failure to register as a sex
17 offender in this state or pursuant to the laws of another state, or
18 pursuant to federal law, on two or more prior occasions, the failure
19 to register under this subsection is a class B felony.

20 (c) The failure to register as a sex offender is a gross
21 misdemeanor if the person has a duty to register under RCW
22 9A.44.130(1)(b).

23 (2) A person is guilty of failure to register as a sex offender
24 if the person has a duty to register under RCW 9A.44.130 for a sex
25 offense other than a felony and knowingly fails to comply with any of
26 the requirements of RCW 9A.44.130. The failure to register as a sex
27 offender under this subsection is a gross misdemeanor.

28 (3) A person commits the crime of failure to register as a
29 kidnapping offender if the person has a duty to register under RCW
30 9A.44.130 for a kidnapping offense and knowingly fails to comply with
31 any of the requirements of RCW 9A.44.130.

32 (a) If the person has a duty to register for a felony kidnapping
33 offense, the failure to register as a kidnapping offender is a class
34 C felony.

35 (b) If the person has a duty to register for a kidnapping offense
36 other than a felony, the failure to register as a kidnapping offender
37 is a gross misdemeanor.

38 (4) Unless relieved of the duty to register pursuant to RCW
39 9A.44.141 and 9A.44.142, a violation of this section is an ongoing

1 offense for purposes of the statute of limitations under RCW
2 9A.04.080.

3 **Sec. 7.** RCW 9A.44.140 and 2020 c 249 s 2 are each amended to
4 read as follows:

5 The duty to register under RCW 9A.44.130 shall continue for the
6 duration provided in this section.

7 (1) For (~~(a person)~~) an adult convicted in this state of a class
8 A felony, or (~~(a person)~~) an adult convicted of any sex offense or
9 kidnapping offense who has one or more prior convictions for a sex
10 offense or kidnapping offense, the duty to register shall continue
11 indefinitely.

12 (2) For (~~(a person)~~) an adult convicted in this state of a class
13 B felony who does not have one or more prior convictions for a sex
14 offense or kidnapping offense, the duty to register shall end fifteen
15 years after the last date of release from confinement, if any,
16 (including full-time residential treatment) pursuant to the
17 conviction, or entry of the judgment and sentence, if the (~~(person)~~)
18 adult has spent fifteen consecutive years in the community without
19 being convicted of a disqualifying offense during that time period.

20 (3) For (~~(a person)~~) an adult convicted in this state of a class
21 C felony, a violation of RCW 9.68A.090 or 9A.44.096, or an attempt,
22 solicitation, or conspiracy to commit a class C felony, and the
23 (~~(person)~~) adult does not have one or more prior convictions for a
24 sex offense or kidnapping offense, the duty to register shall end ten
25 years after the last date of release from confinement, if any,
26 (including full-time residential treatment) pursuant to the
27 conviction, or entry of the judgment and sentence, if the (~~(person)~~)
28 adult has spent ten consecutive years in the community without being
29 convicted of a disqualifying offense during that time period.

30 (4) (a) For a person required to register under RCW
31 9A.44.130(1)(b), the duty to register will end three years after the
32 last date of release from confinement, including full-time
33 residential treatment, if any, or entry of disposition if the person
34 is required to register for a class A offense committed at age 15,
35 16, or 17.

36 (b) For a person required to register under RCW 9A.44.130(1)(b)
37 who does not meet the description provided in subsection (4)(a) of
38 this section, the duty to register will end two years after the last

1 date of release from confinement, including full-time residential
2 treatment, if any, or entry of disposition.

3 (5) Except as provided in RCW 9A.44.142, for a person required to
4 register for a federal, tribal, or out-of-state conviction, the duty
5 to register shall continue indefinitely.

6 ~~((+5))~~ (6) For a person who is or has been determined to be a
7 sexually violent predator pursuant to chapter 71.09 RCW, the duty to
8 register shall continue for the person's lifetime.

9 ~~((+6))~~ (7) Nothing in this section prevents a person from being
10 relieved of the duty to register under RCW 9A.44.142, 9A.44.143, and
11 13.40.162.

12 ~~((+7))~~ (8) Nothing in RCW 9.94A.637 relating to discharge of an
13 offender shall be construed as operating to relieve the offender of
14 his or her duty to register pursuant to RCW 9A.44.130.

15 ~~((+8))~~ (9) For purposes of determining whether a person has been
16 convicted of more than one sex offense, failure to register as a sex
17 offender or kidnapping offender is not a sex or kidnapping offense.

18 ~~((+9))~~ (10) The provisions of this section and RCW 9A.44.141
19 through 9A.44.143 apply equally to a person who has been found not
20 guilty by reason of insanity under chapter 10.77 RCW of a sex offense
21 or kidnapping offense.

22 **Sec. 8.** RCW 13.40.162 and 2020 c 249 s 1 are each amended to
23 read as follows:

24 (1) A juvenile offender is eligible for the special sex offender
25 disposition alternative when:

26 (a) The offender is found to have committed a sex offense, other
27 than a sex offense that is also a serious violent offense as defined
28 by RCW 9.94A.030, and the offender has no history of a prior sex
29 offense; or

30 (b) The offender is found to have committed assault in the fourth
31 degree with sexual motivation, and the offender has no history of a
32 prior sex offense.

33 (2) If the court finds the offender is eligible for this
34 alternative, the court, on its own motion or the motion of the state
35 or the respondent, may order an examination to determine whether the
36 respondent is amenable to treatment.

37 (a) The report of the examination shall include at a minimum the
38 following:

- 1 (i) The respondent's version of the facts and the official
2 version of the facts;
- 3 (ii) The respondent's offense history;
- 4 (iii) An assessment of problems in addition to alleged deviant
5 behaviors;
- 6 (iv) The respondent's social, educational, and employment
7 situation;
- 8 (v) Other evaluation measures used.

9 The report shall set forth the sources of the evaluator's
10 information.

11 (b) The examiner shall assess and report regarding the
12 respondent's amenability to treatment and relative risk to the
13 community. A proposed treatment plan shall be provided and shall
14 include, at a minimum:

- 15 (i) The frequency and type of contact between the offender and
16 therapist;
- 17 (ii) Specific issues to be addressed in the treatment and
18 description of planned treatment modalities;
- 19 (iii) Monitoring plans, including any requirements regarding
20 living conditions, lifestyle requirements, and monitoring by family
21 members, legal guardians, or others;
- 22 (iv) Anticipated length of treatment; and
- 23 (v) Recommended crime-related prohibitions.

24 (c) The court on its own motion may order, or on a motion by the
25 state shall order, a second examination regarding the offender's
26 amenability to treatment. The evaluator shall be selected by the
27 party making the motion. The defendant shall pay the cost of any
28 second examination ordered unless the court finds the defendant to be
29 indigent in which case the state shall pay the cost.

30 (3) After receipt of reports of the examination, the court shall
31 then consider whether the offender and the community will benefit
32 from use of this special sex offender disposition alternative and
33 consider the victim's opinion whether the offender should receive a
34 treatment disposition under this section. If the court determines
35 that this special sex offender disposition alternative is
36 appropriate, then the court shall impose a determinate disposition
37 within the standard range for the offense, or if the court concludes,
38 and enters reasons for its conclusions, that such disposition would
39 cause a manifest injustice, the court shall impose a disposition
40 under option D, and the court may suspend the execution of the

1 disposition and place the offender on community supervision for at
2 least two years.

3 (4) As a condition of the suspended disposition, the court may
4 impose the conditions of community supervision and other conditions,
5 including up to thirty days of confinement and requirements that the
6 offender do any one or more of the following:

7 (a) Devote time to a specific education, employment, or
8 occupation;

9 (b) Undergo available outpatient sex offender treatment for up to
10 two years, or inpatient sex offender treatment not to exceed the
11 standard range of confinement for that offense. A community mental
12 health center may not be used for such treatment unless it has an
13 appropriate program designed for sex offender treatment. The
14 respondent shall not change sex offender treatment providers or
15 treatment conditions without first notifying the prosecutor, the
16 probation counselor, and the court, and shall not change providers
17 without court approval after a hearing if the prosecutor or probation
18 counselor object to the change;

19 (c) Remain within prescribed geographical boundaries and notify
20 the court or the probation counselor prior to any change in the
21 offender's address, educational program, or employment;

22 (d) Report to the prosecutor and the probation counselor prior to
23 any change in a sex offender treatment provider. This change shall
24 have prior approval by the court;

25 (e) Report as directed to the court and a probation counselor;

26 (f) Pay all court-ordered legal financial obligations, perform
27 community restitution, or any combination thereof;

28 (g) Make restitution to the victim for the cost of any counseling
29 reasonably related to the offense; or

30 (h) Comply with the conditions of any court-ordered probation
31 bond.

32 (5) If the court orders twenty-four hour, continuous monitoring
33 of the offender while on probation, the court shall include the basis
34 for this condition in its findings.

35 (6) (a) The court must order the offender not to attend the public
36 or approved private elementary, middle, or high school attended by
37 the victim or the victim's siblings.

38 (b) The parents or legal guardians of the offender are
39 responsible for transportation or other costs associated with the

1 offender's change of school that would otherwise be paid by the
2 school district.

3 (c) The court shall send notice of the disposition and
4 restriction on attending the same school as the victim or victim's
5 siblings to the public or approved private school the juvenile will
6 attend, if known, or if unknown, to the approved private schools and
7 the public school district board of directors of the district in
8 which the juvenile resides or intends to reside. This notice must be
9 sent at the earliest possible date but not later than ten calendar
10 days after entry of the disposition.

11 (7) (~~For offenders required to register under RCW 9A.44.130, at~~
12 ~~the end of the supervision ordered under this disposition~~
13 ~~alternative, there is a presumption that the offender is sufficiently~~
14 ~~rehabilitated to warrant removal from the central registry of sex~~
15 ~~offenders. The court shall relieve the offender's duty to register~~
16 ~~unless the court finds that the offender is not sufficiently~~
17 ~~rehabilitated to warrant removal and may consider the following~~
18 ~~factors:~~

19 ~~(a) The nature of the offense committed, including the number of~~
20 ~~victims and the length of the offense history;~~

21 ~~(b) Any subsequent criminal history of the juvenile;~~

22 ~~(c) The juvenile's compliance with supervision requirements;~~

23 ~~(d) The length of time since the charged incident occurred;~~

24 ~~(e) Any input from community corrections officers, juvenile~~
25 ~~parole or probation officers, law enforcement, or treatment~~
26 ~~providers;~~

27 ~~(f) The juvenile's participation in sex offender treatment;~~

28 ~~(g) The juvenile's participation in other treatment and~~
29 ~~rehabilitative programs;~~

30 ~~(h) The juvenile's stability in employment and housing;~~

31 ~~(i) The juvenile's community and personal support system;~~

32 ~~(j) Any risk assessments or evaluations prepared by a qualified~~
33 ~~professional related to the juvenile;~~

34 ~~(k) Any updated polygraph examination completed by the juvenile;~~

35 ~~(l) Any input of the victim; and~~

36 ~~(m) Any other factors the court may consider relevant.~~

37 ~~(8-))~~ (a) The sex offender treatment provider shall submit
38 quarterly reports on the respondent's progress in treatment to the
39 court and the parties. The reports shall reference the treatment plan
40 and include at a minimum the following: Dates of attendance,

1 respondent's compliance with requirements, treatment activities, the
2 respondent's relative progress in treatment, and any other material
3 specified by the court at the time of the disposition.

4 (b) At the time of the disposition, the court may set treatment
5 review hearings as the court considers appropriate.

6 (c) Except as provided in this subsection, examinations and
7 treatment ordered pursuant to this subsection shall be conducted by
8 qualified professionals as described under (d) of this subsection,
9 certified sex offender treatment providers, or certified affiliate
10 sex offender treatment providers under chapter 18.155 RCW.

11 (d) A sex offender therapist who examines or treats a juvenile
12 sex offender pursuant to this subsection does not have to be
13 certified by the department of health pursuant to chapter 18.155 RCW
14 if the therapist is a professional licensed under chapter 18.225 or
15 18.83 RCW and the treatment employed is evidence-based for sex
16 offender treatment, or if the court finds that: (i) The offender has
17 already moved to another state or plans to move to another state for
18 reasons other than circumventing the certification requirements; (ii)
19 no certified sex offender treatment providers or certified affiliate
20 sex offender treatment providers are available for treatment within a
21 reasonable geographical distance of the offender's home; and (iii)
22 the evaluation and treatment plan comply with this subsection and the
23 rules adopted by the department of health.

24 ~~((+9))~~ (8) (a) If the offender violates any condition of the
25 disposition or the court finds that the respondent is failing to make
26 satisfactory progress in treatment, the court may revoke the
27 suspension and order execution of the disposition or the court may
28 impose a penalty of up to thirty days confinement for violating
29 conditions of the disposition.

30 (b) The court may order both execution of the disposition and up
31 to thirty days confinement for the violation of the conditions of the
32 disposition.

33 (c) The court shall give credit for any confinement time
34 previously served if that confinement was for the offense for which
35 the suspension is being revoked.

36 ~~((+10))~~ (9) For purposes of this section, "victim" means any
37 person who has sustained emotional, psychological, physical, or
38 financial injury to person or property as a direct result of the
39 crime charged. "Victim" may also include a known parent or guardian

1 of a victim who is a minor child unless the parent or guardian is the
2 perpetrator of the offense.

3 ~~((11))~~ (10) A disposition entered under this section is not
4 appealable under RCW 13.40.230.

5 NEW SECTION. **Sec. 9.** A new section is added to chapter 9A.44
6 RCW to read as follows:

7 (1) For a person who is not an adult, any existing legal
8 obligation to register as a sex offender is extinguished on the
9 effective date of this section if the person no longer has a duty to
10 register under RCW 9A.44.130(1)(b).

11 (2) For a person who has an existing legal obligation to register
12 under RCW 9A.44.130(1)(b), the obligation shall extinguish two or
13 three years after the last date of release from confinement,
14 including full-time residential treatment, if any, or entry of
15 disposition according to the applicable registration period required
16 under RCW 9A.44.140(4).

17 (3) By December 1, 2023, each registering agency shall conduct an
18 individual review and remove all persons from the sex offender
19 registry whose obligation to register is based on an offense
20 committed while the person was under 18 years of age, unless the
21 individual has a legal obligation to register under subsection (2) of
22 this section.

23 **Sec. 10.** RCW 9A.44.145 and 2010 c 267 s 8 are each amended to
24 read as follows:

25 (1) The state patrol shall notify:

26 (a) Registered sex and kidnapping offenders of any change to the
27 registration requirements, including the extinguishment of a legal
28 obligation to register under section 9 of this act; ~~((and))~~

29 (b) No less than annually, an offender having a duty to register
30 under RCW 9A.44.143 for a sex offense or kidnapping offense committed
31 when the offender was a juvenile of their ability to petition for
32 relief from registration as provided in RCW 9A.44.140; and

33 (c) A school's or institution's designated recipient of records
34 under RCW 9A.44.138 regarding the extinguishment of a student's legal
35 obligation to register under section 9 of this act.

36 (2) For economic efficiency, the state patrol may combine the
37 notices in this section into one notice.

1 NEW SECTION. **Sec. 11.** Section 9 of this act takes effect
2 November 1, 2023.

--- END ---