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**SUBSTITUTE HOUSE BILL 1214**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Corrections (originally sponsored by Representatives Mitchell, Carrell, Lambert, Sheahan, McMahan, Huff, Buck, Hickel, Padden, Elliot, Delvin, Kremen, Johnson, Casada, Thompson, Backlund, Honeyford, Mulliken, Boldt and Van Luven)

Read first time 02/28/95.

1 AN ACT Relating to registration of sex offenders; and amending RCW  
2 9A.44.130 and 9A.44.140.

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

4 **Sec. 1.** RCW 9A.44.130 and 1994 c 84 s 2 are each amended to read  
5 as follows:

6 (1) Any adult or juvenile residing in this state who has been found  
7 to have committed or has been convicted of any sex offense shall  
8 register with the county sheriff for the county of the person's  
9 residence.

10 (2) The person shall provide the county sheriff with the following  
11 information when registering: (a) Name; (b) address; (c) date and  
12 place of birth; (d) place of employment; (e) crime for which convicted;  
13 (f) date and place of conviction; (g) aliases used; and (h) social  
14 security number.

15 (3)(a) Sex offenders shall register within the following deadlines.  
16 For purposes of this section the term "conviction" refers to adult  
17 convictions and juvenile adjudications for sex offenses:

18 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex  
19 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, must register within twenty-four hours  
5 from the time of release with the county sheriff for the county of the  
6 person's residence. The agency that has jurisdiction over the offender  
7 shall provide notice to the sex offender of the duty to register.  
8 Failure to register within twenty-four hours of release constitutes a  
9 violation of this section and is punishable as provided in subsection  
10 (7) of this section.

11 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
12 JURISDICTION. Sex offenders, who, on July 28, 1991, are not in custody  
13 but are under the jurisdiction of the indeterminate sentence review  
14 board or under the department of correction's active supervision, as  
15 defined by the department of corrections, the state department of  
16 social and health services, or a local division of youth services, for  
17 sex offenses committed before, on, or after February 28, 1990, must  
18 register within ten days of July 28, 1991. A change in supervision  
19 status of a sex offender who was required to register under this  
20 subsection (3)(a)(ii) as of July 28, 1991, shall not relieve the  
21 offender of the duty to register or to reregister following a change in  
22 residence. The obligation to register shall only cease pursuant to RCW  
23 9A.44.140.

24 (iii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER FEDERAL JURISDICTION.  
25 Sex offenders who, on July 23, 1995, are not in custody but are under  
26 the jurisdiction of the United States probation service's active  
27 supervision, as defined by the United States probation service, for sex  
28 offenses committed before, on, or after February 28, 1990, must  
29 register within ten days of July 23, 1995. A change in supervision  
30 status of a sex offender who was required to register under this  
31 subsection (3)(a)(iii) as of July 23, 1995, shall not relieve the  
32 offender of the duty to register or to reregister following a change in  
33 residence. The obligation to register shall only cease pursuant to RCW  
34 9A.44.140.

35 (iv) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex  
36 offenders who are convicted of a sex offense on or after July 28, 1991,  
37 for a sex offense that was committed on or after February 28, 1990, but  
38 who are not sentenced to serve a term of confinement immediately upon

1 sentencing, shall report to the county sheriff to register immediately  
2 upon completion of being sentenced.

3 ((~~(iv)~~)) (v) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING  
4 WASHINGTON RESIDENTS. Sex offenders who move to Washington state from  
5 another state that are not under the jurisdiction of the state  
6 department of corrections, the indeterminate sentence review board, the  
7 United States probation service, or the state department of social and  
8 health services at the time of moving to Washington, must register  
9 within thirty days of establishing residence or reestablishing  
10 residence if the person is a former Washington resident. The duty to  
11 register under this subsection applies to sex offenders convicted under  
12 the laws of another state or a foreign country, federal statutes, or  
13 Washington state for offenses committed on or after February 28, 1990.  
14 Sex offenders from other states or a foreign country who, when they  
15 move to Washington, are under the jurisdiction of the department of  
16 corrections, the United States probation service, the indeterminate  
17 sentence review board, or the department of social and health services  
18 must register within twenty-four hours of moving to Washington. The  
19 agency that has jurisdiction over the offender shall notify the  
20 offender of the registration requirements before the offender moves to  
21 Washington.

22 (b) Failure to register within the time required under this section  
23 constitutes a per se violation of this section and is punishable as  
24 provided in subsection (7) of this section. The county sheriff shall  
25 not be required to determine whether the person is living within the  
26 county.

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

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

4 (4) If any person required to register pursuant to this section  
5 changes his or her residence address within the same county, the person  
6 must send written notice of the change of address to the county sheriff  
7 within ten days of (~~establishing the new residence~~) moving. If any  
8 person required to register pursuant to this section moves to a new  
9 county, the person must register with the county sheriff in the new  
10 county within ten days of (~~establishing the new residence~~) moving.  
11 The person must also send written notice within ten days of the change  
12 of address in the new county to the county sheriff with whom the person  
13 last registered. If any person required to register pursuant to this  
14 section moves out of Washington state, the person must also send  
15 written notice within ten days of moving to the new state or a foreign  
16 country to the county sheriff with whom the person last registered in  
17 Washington state.

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

20 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,  
21 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex  
22 offense by RCW 9.94A.030.

23 (7) A person who knowingly fails to register or who moves without  
24 notifying the county sheriff as required by this section is guilty of  
25 a class C felony (~~if the crime for which the individual was convicted~~  
26 ~~was a class A felony or a federal or out-of-state conviction for an~~  
27 ~~offense that under the laws of this state would be a class A felony.~~  
28 ~~If the crime was other than a class A felony or a federal or out-of-~~  
29 ~~state conviction for an offense that under the laws of this state would~~  
30 ~~be a class A felony, violation of this section is a gross~~  
31 ~~misdemeanor~~)).

32 **Sec. 2.** RCW 9A.44.140 and 1991 c 274 s 3 are each amended to read  
33 as follows:

34 (1) The duty to register under RCW 9A.44.130 shall end:

35 (a) For a person convicted of a class A felony: Such person may  
36 only be relieved of the duty to register under subsection (2) or (3) of  
37 this section.

1 (b) For a person convicted of a class B felony: Fifteen years  
2 after the last date of release from confinement, if any, (including  
3 full-time residential treatment) pursuant to the conviction, or entry  
4 of the judgment and sentence, if the person has spent fifteen  
5 consecutive years in the community without being convicted of any new  
6 offenses.

7 (c) For a person convicted of a class C felony: Ten years after  
8 the last date of release from confinement, if any, (including full-time  
9 residential treatment) pursuant to the conviction, or entry of the  
10 judgment and sentence, if the person has spent ten consecutive years in  
11 the community without being convicted of any new offenses.

12 (2) Any person having a duty to register under RCW 9A.44.130 may  
13 petition the superior court to be relieved of that duty. The petition  
14 shall be made to the court in which the petitioner was convicted of the  
15 offense that subjects him or her to the duty to register, or, in the  
16 case of convictions in other states or a foreign country, to the court  
17 in Thurston county. The prosecuting attorney of the county shall be  
18 named and served as the respondent in any such petition. The court  
19 shall consider the nature of the registrable offense committed, and the  
20 criminal and relevant noncriminal behavior of the petitioner both  
21 before and after conviction, and may consider other factors. Except as  
22 provided in subsection (3) of this section, the court may relieve the  
23 petitioner of the duty to register only if the petitioner shows, with  
24 clear and convincing evidence, that future registration of the  
25 petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,  
26 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

27 (3) An offender having a duty to register under RCW 9A.44.130 for  
28 a sex offense committed when the offender was a juvenile may petition  
29 the superior court to be relieved of that duty. The court shall  
30 consider the nature of the registrable offense committed, and the  
31 criminal and relevant noncriminal behavior of the petitioner both  
32 before and after adjudication, and may consider other factors. The  
33 court may relieve the petitioner of the duty to register for a sex  
34 offense that was committed while the petitioner was fifteen years of  
35 age or older only if the petitioner shows, with clear and convincing  
36 evidence, that future registration of the petitioner will not serve the  
37 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,  
38 and 72.09.330. The court may relieve the petitioner of the duty to  
39 register for a sex offense that was committed while the petitioner was

1 under the age of fifteen if the petitioner (a) has not been adjudicated  
2 of any additional sex offenses during the twenty-four months following  
3 the adjudication for the sex offense giving rise to the duty to  
4 register, and (b) the petitioner proves by a preponderance of the  
5 evidence that future registration of the petitioner will not serve the  
6 purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470,  
7 and 72.09.330.

8 (4) Unless relieved of the duty to register pursuant to this  
9 section, a violation of RCW 9A.44.130 is an ongoing offense for  
10 purposes of the statute of limitations under RCW 9A.04.080.

11 (5) Nothing in RCW 9.94A.220 relating to discharge of an offender  
12 shall be construed as operating to relieve the offender of his or her  
13 duty to register pursuant to RCW 9A.44.130.

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