

By Senator Angel  
Purple

**SB 5578** - S COMM AMD

By Committee on Law &amp; Justice

On page 5, after line 32, insert the following:

**"Sec. 2.** RCW 9A.44.142 and 2015 c 261 s 8 are each amended to read as follows:

(1) A person who is required to register under RCW 9A.44.130 may petition the superior court to be relieved of the duty to register:

(a) If the person has a duty to register for a sex offense or kidnapping offense committed when the offender was a juvenile, regardless of whether the conviction was in this state, as provided in RCW 9A.44.143;

(b) If the person is required to register for a conviction in this state, is classified as a risk level I, and is not prohibited from petitioning for relief from registration under subsection (2) of this section, when the person has spent five consecutive years in the community without being convicted of a disqualifying offense during that time period;

(c) If the person is required to register for a conviction in this state and is not prohibited from petitioning for relief from registration under subsection (2) of this section, when the person has spent ten consecutive years in the community without being convicted of a disqualifying offense during that time period; or

~~((+e+))~~ (d) If the person is required to register for a federal, tribal, or out-of-state conviction, when the person has spent fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period.

(2)(a) A person may not petition for relief from registration if the person has been:

(i) Determined to be a sexually violent predator pursuant to chapter 71.09 RCW; or

(ii) Convicted as an adult of a sex offense or kidnapping offense that is a class A felony and that was committed with forcible compulsion on or after June 8, 2000.

1 (b) Any person who may not be relieved of the duty to register  
2 may petition the court to be exempted from any community notification  
3 requirements that the person may be subject to fifteen years after  
4 the later of the entry of the judgment and sentence or the last date  
5 of release from confinement, including full-time residential  
6 treatment, pursuant to the conviction, if the person has spent the  
7 time in the community without being convicted of a disqualifying  
8 offense.

9 (3) A petition for relief from registration or exemption from  
10 notification under this section shall be made to the court in which  
11 the petitioner was convicted of the offense that subjects him or her  
12 to the duty to register or, in the case of convictions in other  
13 states, a foreign country, or a federal, tribal, or military court,  
14 to the court in the county where the person is registered at the time  
15 the petition is sought. The prosecuting attorney of the county shall  
16 be named and served as the respondent in any such petition.

17 (4)(a) The court may relieve a petitioner of the duty to register  
18 only if the petitioner shows by clear and convincing evidence that  
19 the petitioner is sufficiently rehabilitated to warrant removal from  
20 the central registry of sex offenders and kidnapping offenders.

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

25 (i) The nature of the registrable offense committed including the  
26 number of victims and the length of the offense history;

27 (ii) Any subsequent criminal history;

28 (iii) The petitioner's compliance with supervision requirements;

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

30 (v) Any input from community corrections officers, law  
31 enforcement, or treatment providers;

32 (vi) Participation in sex offender treatment;

33 (vii) Participation in other treatment and rehabilitative  
34 programs;

35 (viii) The offender's stability in employment and housing;

36 (ix) The offender's community and personal support system;

37 (x) Any risk assessments or evaluations prepared by a qualified  
38 professional;

39 (xi) Any updated polygraph examination;

40 (xii) Any input of the victim;

1 (xiii) Any other factors the court may consider relevant.  
2 (5) If a person is relieved of the duty to register pursuant to  
3 this section, the relief of registration does not constitute a  
4 certificate of rehabilitation, or the equivalent of a certificate of  
5 rehabilitation, for the purposes of restoration of firearm possession  
6 under RCW 9.41.040."

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7 On page 1, line 1 of the title, after "Relating to" strike the  
8 remainder of the title and insert "sex offender registry information;  
9 and amending RCW 4.24.550 and 9A.44.142."

EFFECT: Amends the title. Allows a sex or kidnapping offender  
classified as a risk level I to petition for relief from registration  
after five years in the community without committing a new offense.

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