

Changes in the Failure to Register Statutes 2015

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Disclosing Information: Public Disclosure

- WASPC no longer handles these. Rather, WASPC “shall refer the requester in writing to the appropriate law enforcement agency or agencies for submission of such a request.” RCW 4.24.550(5)(c).
- WASPC then has “no further obligation under” the Public Records Act.
- This is retroactive, so WASPC could send you older ones.



Sex Offender Level: Internal Review Process

- The registering agency is responsible for assigning a risk level. RCW 4.24.550(6)(a).
- Agencies *may* develop a process to allow an offender to petition for the review of their assigned risk level classification. RCW 4.24.550(6)(d).
- The “timing frequency, and process for review are at the sole discretion of the agency” that sets up the process.



Sex Offender Level: Guidelines

Previous Guideline:

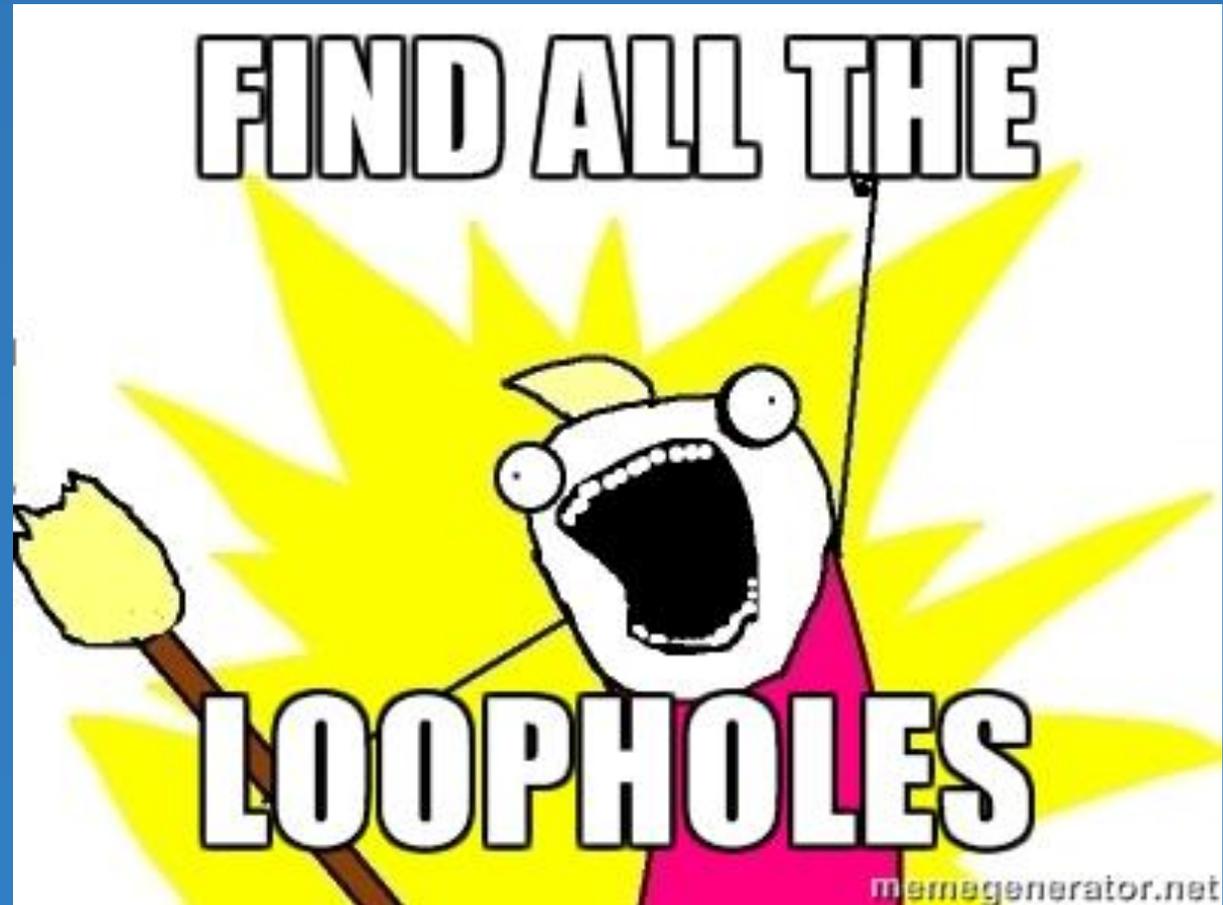
1. Risk level classification of DOC, DSHS, or ISRB.

Additional New Guidelines added to RCW 4.24.550(6)

1. Agency's own application of a sex offender risk assessment tool
2. Other information and aggravating or mitigating factors known to the agency and deemed rationally related to the risk posed by the offender to the community at large.

Loopholes that have closed

- International Travelers
- Temporary Visitors
- Partial Confinement
- Federal Priors
- DNA Evaders



Loopholes that have closed

- International Travelers RCW 9A.44.130(3)

- OFFENDER must...

- **Signed Notice** in writing by certified mail 21 days before travel
 - **Provide information:** (a) Name; (b) passport number and country; (c) destination; (d) itinerary details (departure and return dates); (e) means of travel; and (f) purpose of travel.
 - **Notice of cancellation** within 3 days or on departure date of cancellation, whichever is earlier.
 - **Emergencies or routine work travel:** Submit at least 24 hours before travel w/ written explanation why couldn't comply with other requirements.

- COUNTY SHERIFF must...

- **Notify** the United States marshals service as soon as practicable.

Loopholes that have closed

- International Travelers
- Temporary Visitors
 - **10 day rule.** Applies to offenders who intend to be present in WA for 10 days or more
 - **Each County Rule.** The offender must register their temporary address with the County Sheriff in *each* county where they will be staying within 3 days of arrival.
 - **Information.** The offender must provide the same information as a resident offender except not photograph or fingerprints.

Loopholes that have closed

- International Travelers
- Temporary Visitors
- Partial Confinement
 - Offenders must now register at the time they begin partial confinement, not after the confinement is served.
 - The agency with jurisdiction over the offender will provide the notice to the County Sheriff.
 - When defendant is released from all confinement, then must register normally (and agency with jurisdiction must notify them of this requirement).
 - Partial Confinement includes work release, home detention, electronic home monitoring, work crew, and a combination of work crew and home detention

Loopholes that have closed

- International Travelers
- Temporary Visitors
- Partial Confinement
- Federal Priors
 - Prior convictions for FTRASO in Federal Court now counts as a prior for elevating our charges to Class B and Class C ranked felonies.

Loopholes that have closed

- International Travelers
- Temporary Visitors
- Partial Confinement
- Federal Priors
- DNA Evaders
 - Creates the misdemeanor crime of refusal to provide DNA: “if the person has a duty to register under RCW 9A.44.130 and the person willfully refuses to comply with a legal request for a DNA sample as required under RCW 43.43.754(1)(b). The refusal to provide DNA is a gross misdemeanor.” RCW 9A.44.132(4)

Incorporating Tribal Convictions/Requirements

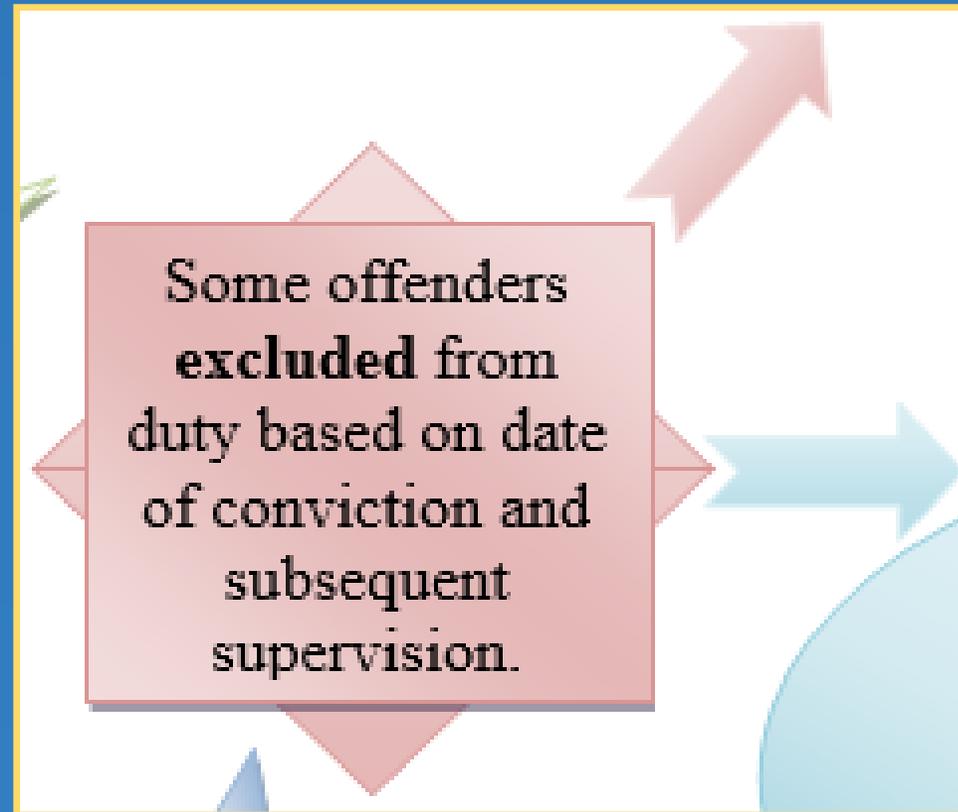
- Definitions of Sex/Kidnapping Offense
 - no need for comparability analysis
- Lifetime registration
- Incorporated into the Relief from Registration Statute

WASHINGTON
TRIBES

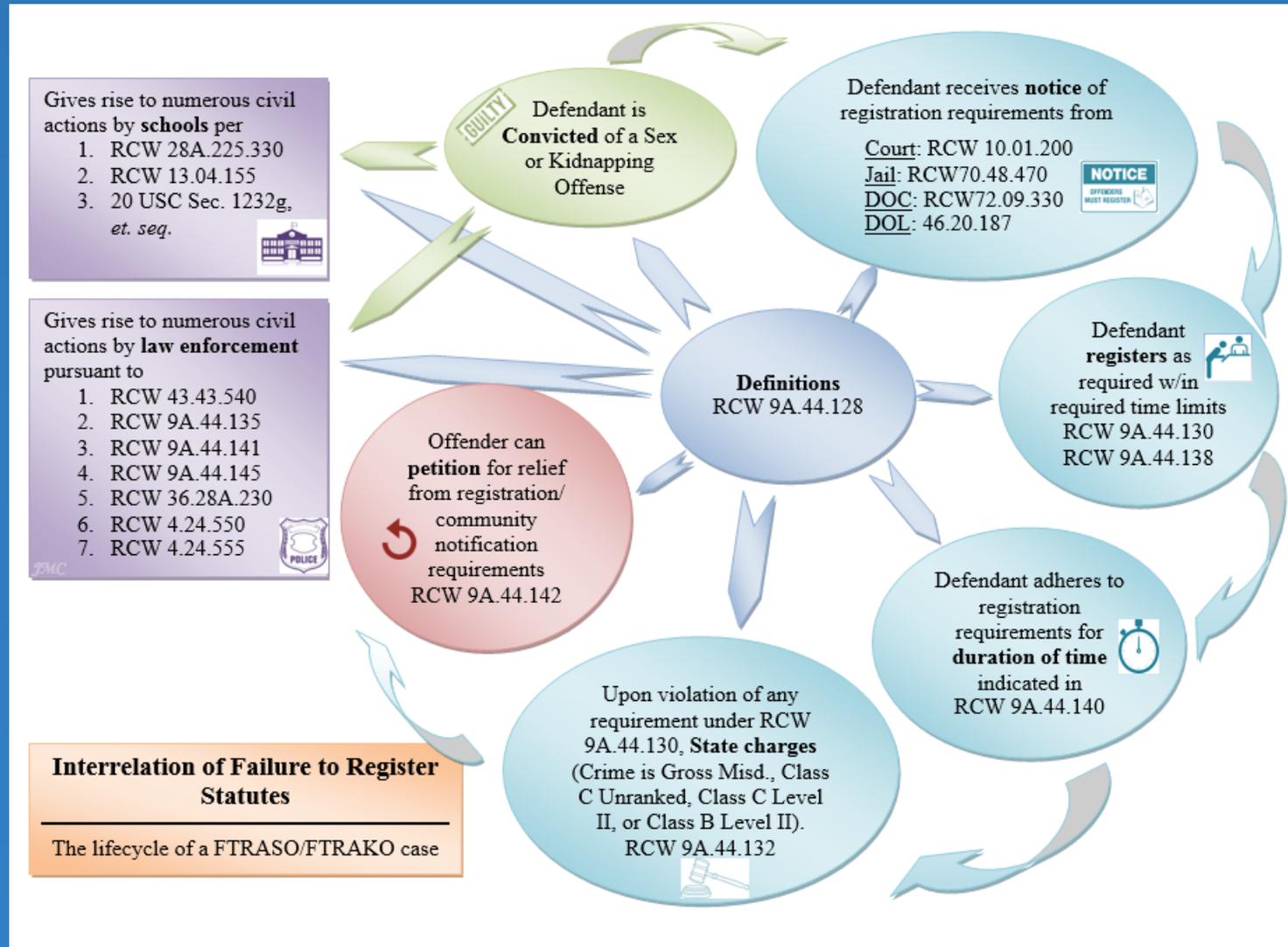
Washington's tribal governments are building a better future for all of us

<http://www.washingtontribes.org>

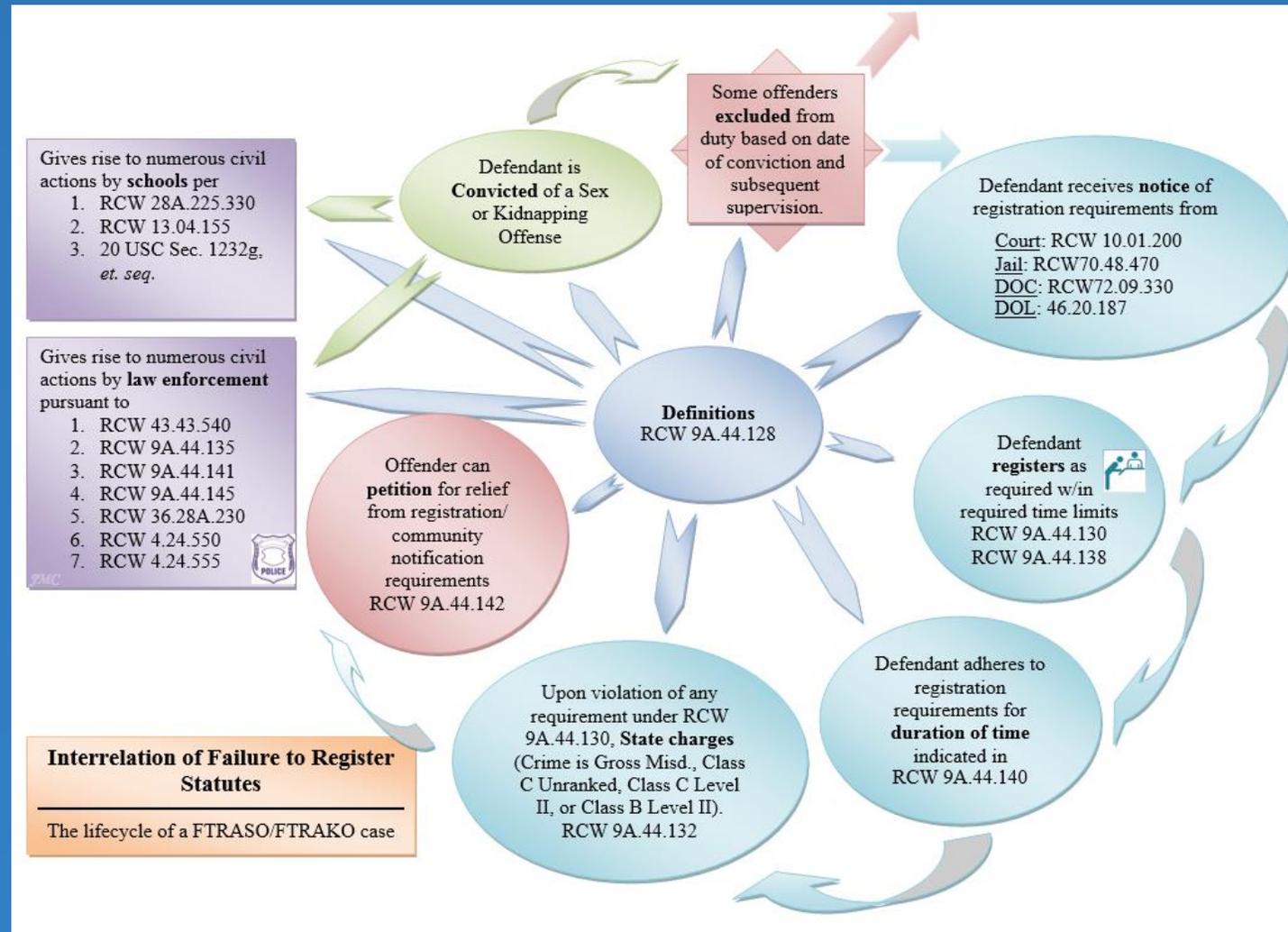
A new Statute for FTRASOS: Time Frames



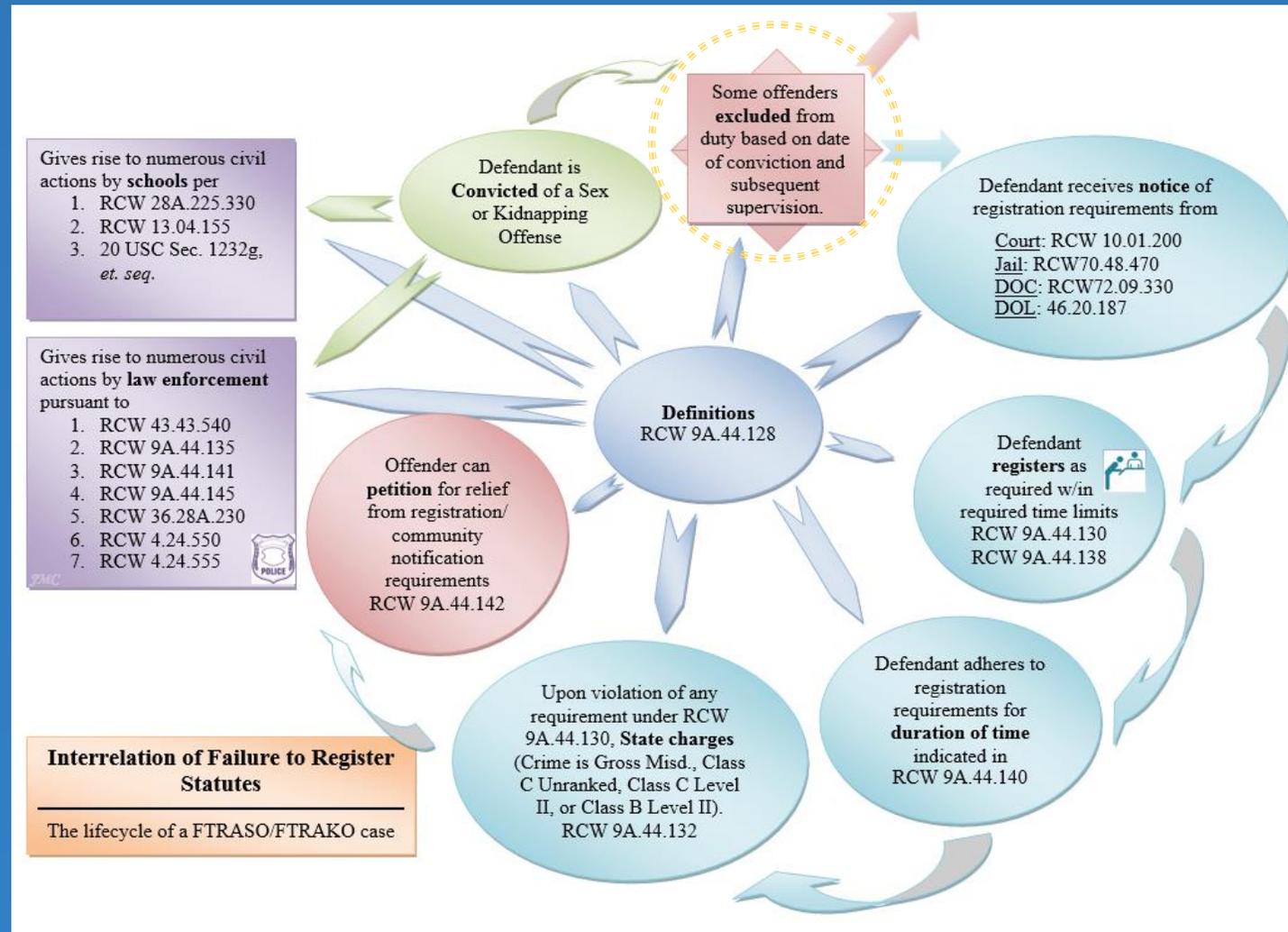
Statutory Scheme before July 24, 2015



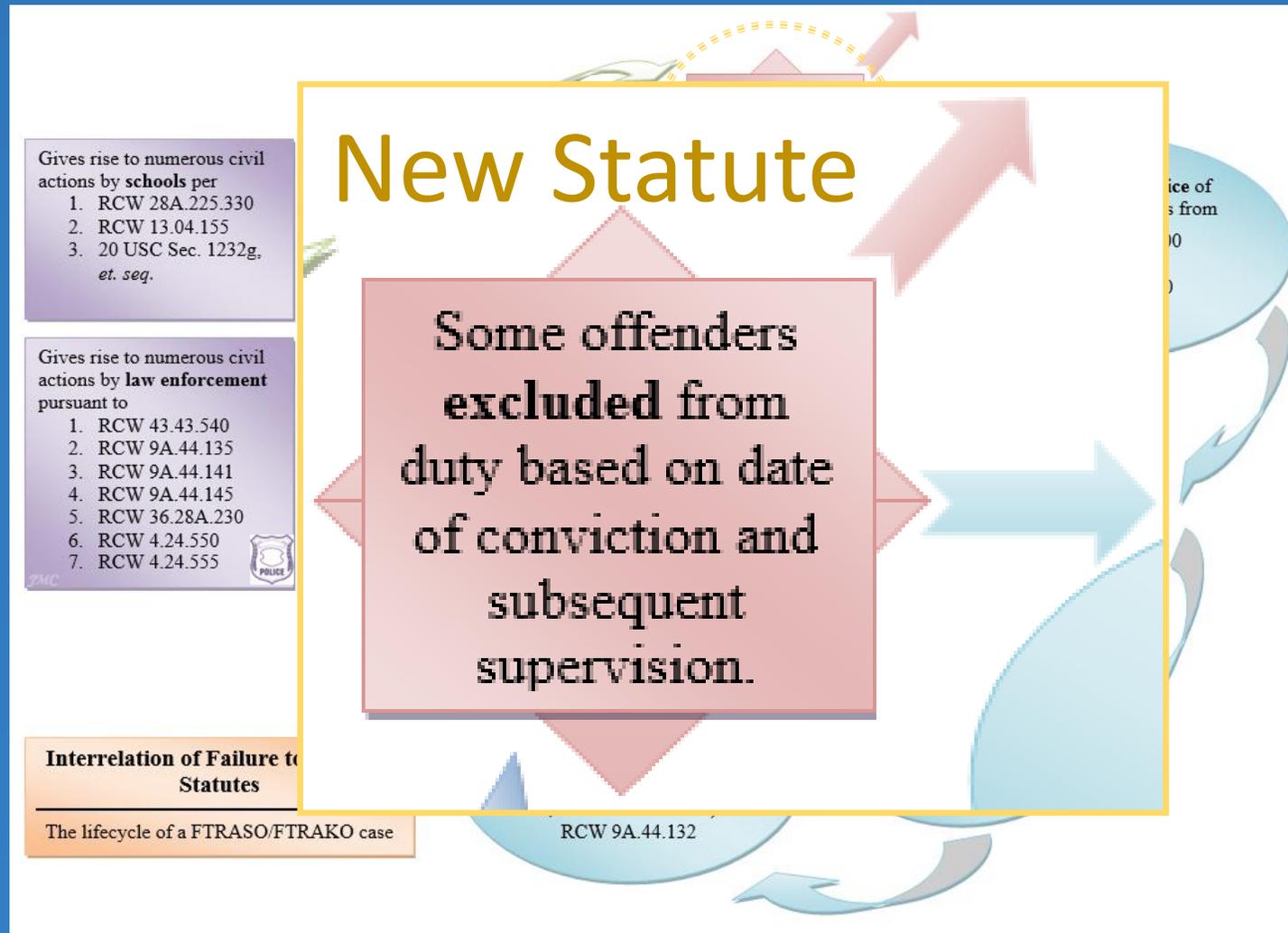
Statutory Scheme after July 24, 2015



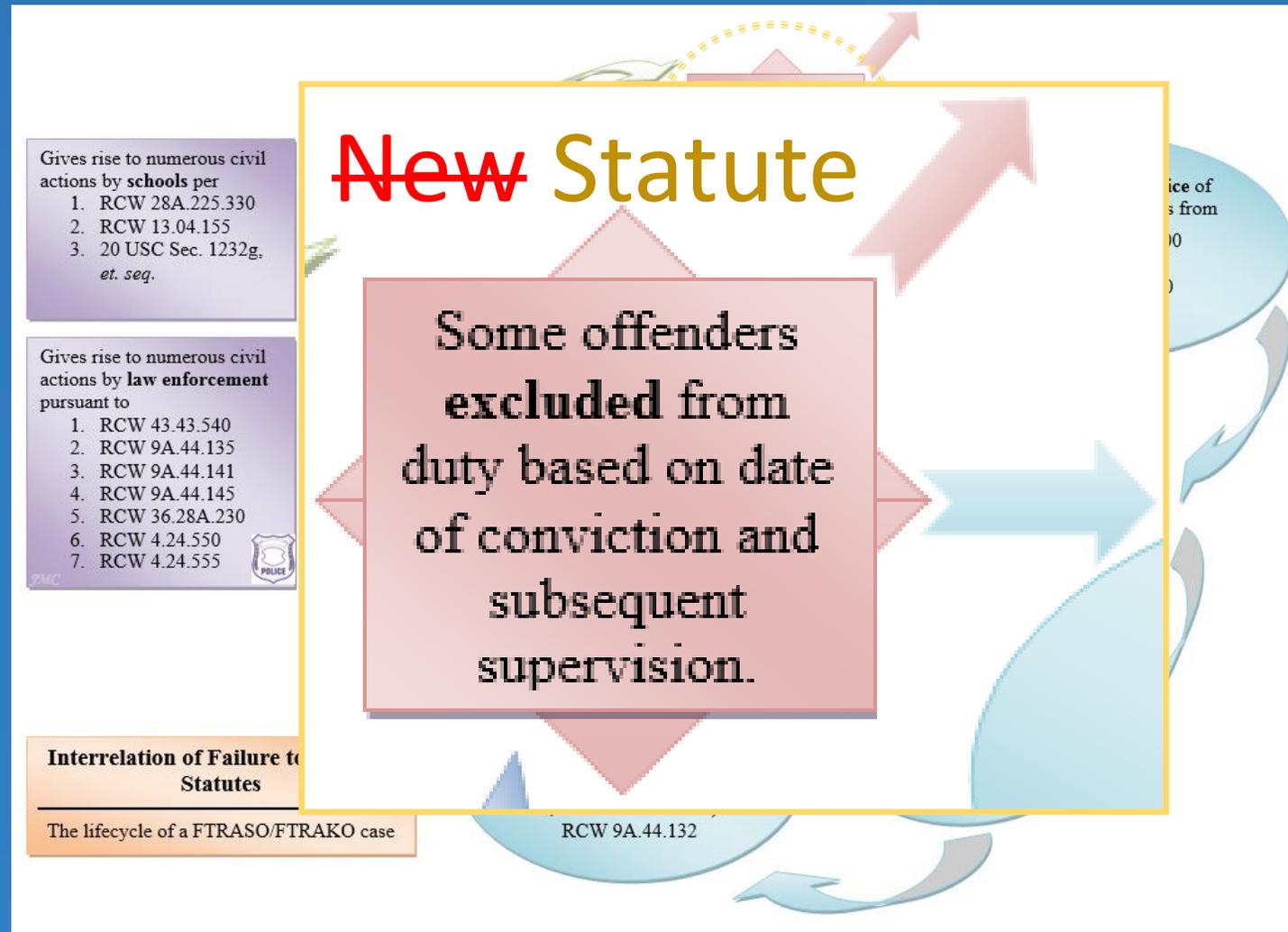
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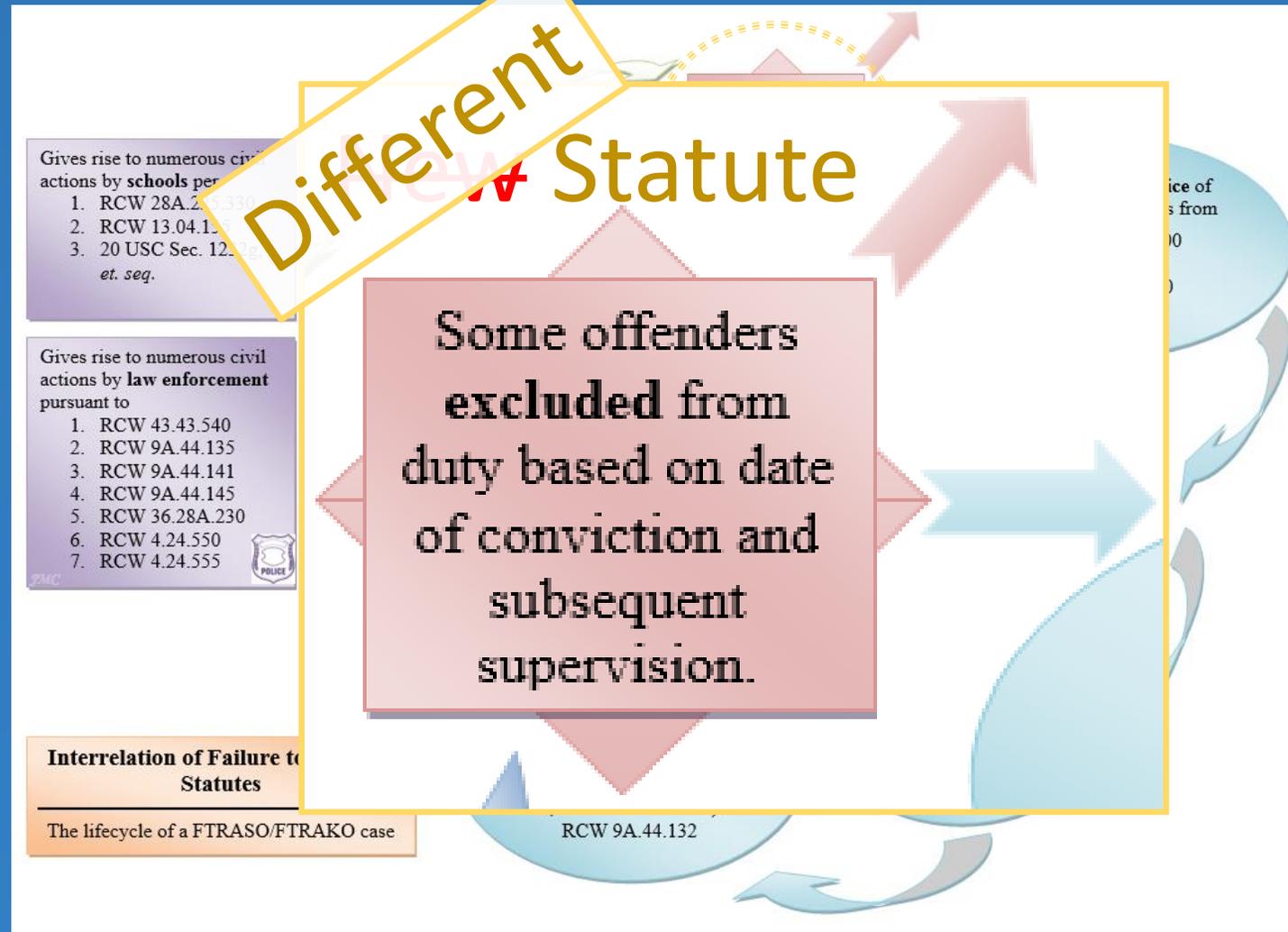
Statutory Scheme after July 24, 2015



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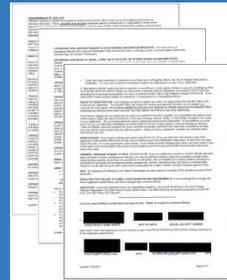


Statutory Scheme after July 24, 2015

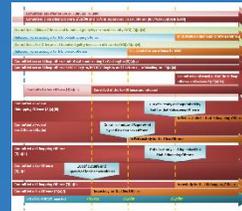


Registration Requirements & Time Frames

Registration Requirements
and Time Frames
all in RCW 9A.44.130(3)



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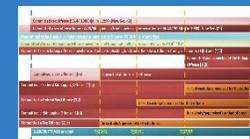


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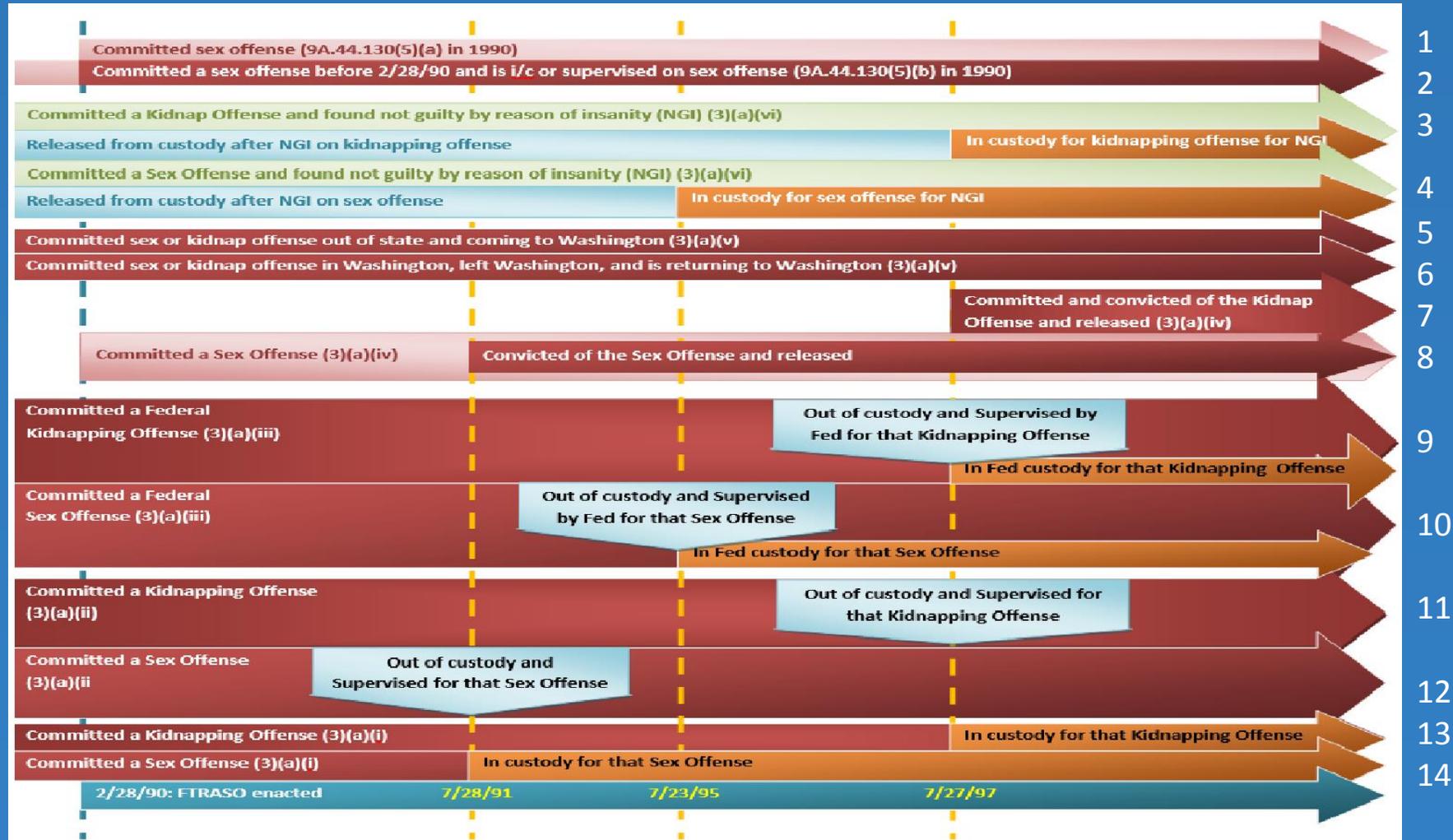
Registration Requirements
still in RCW 9A.44.130(3)



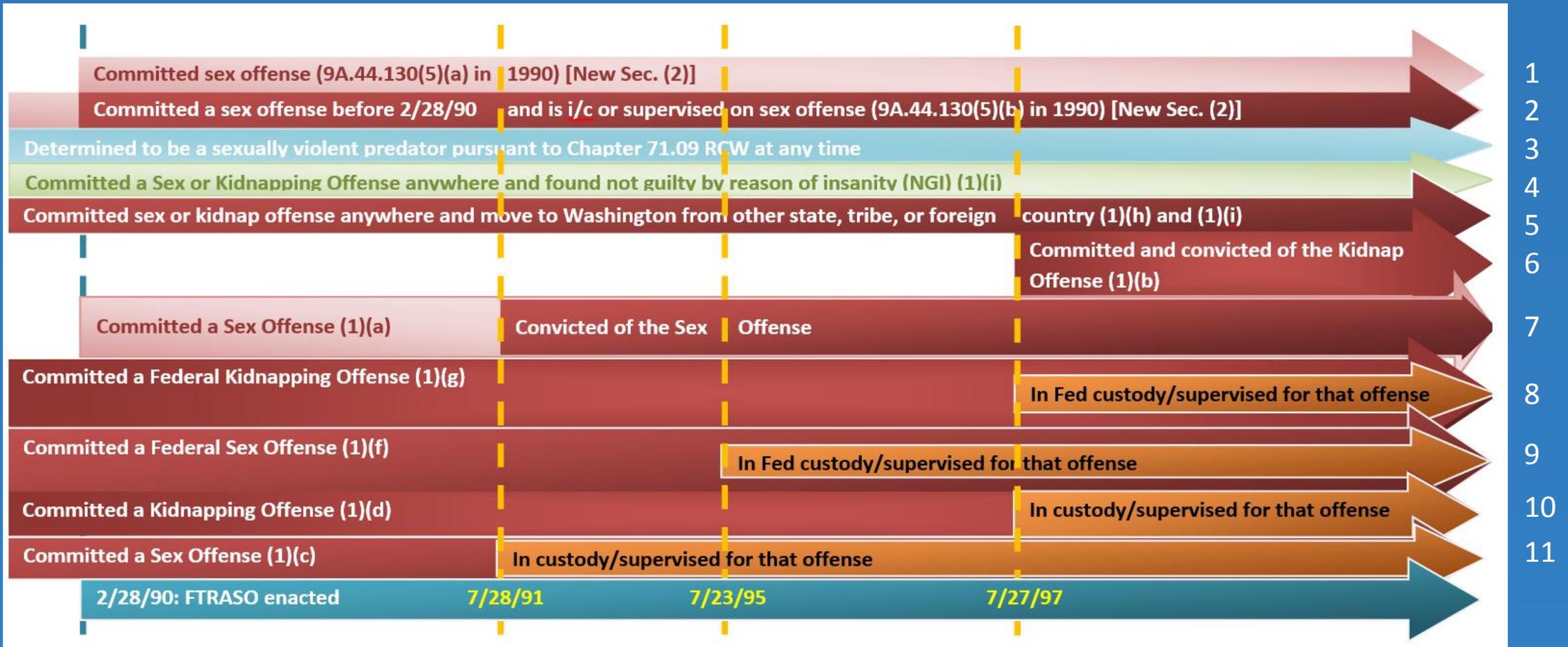
Time Frames are simplified
and moved to a new RCW
(not yet codified)



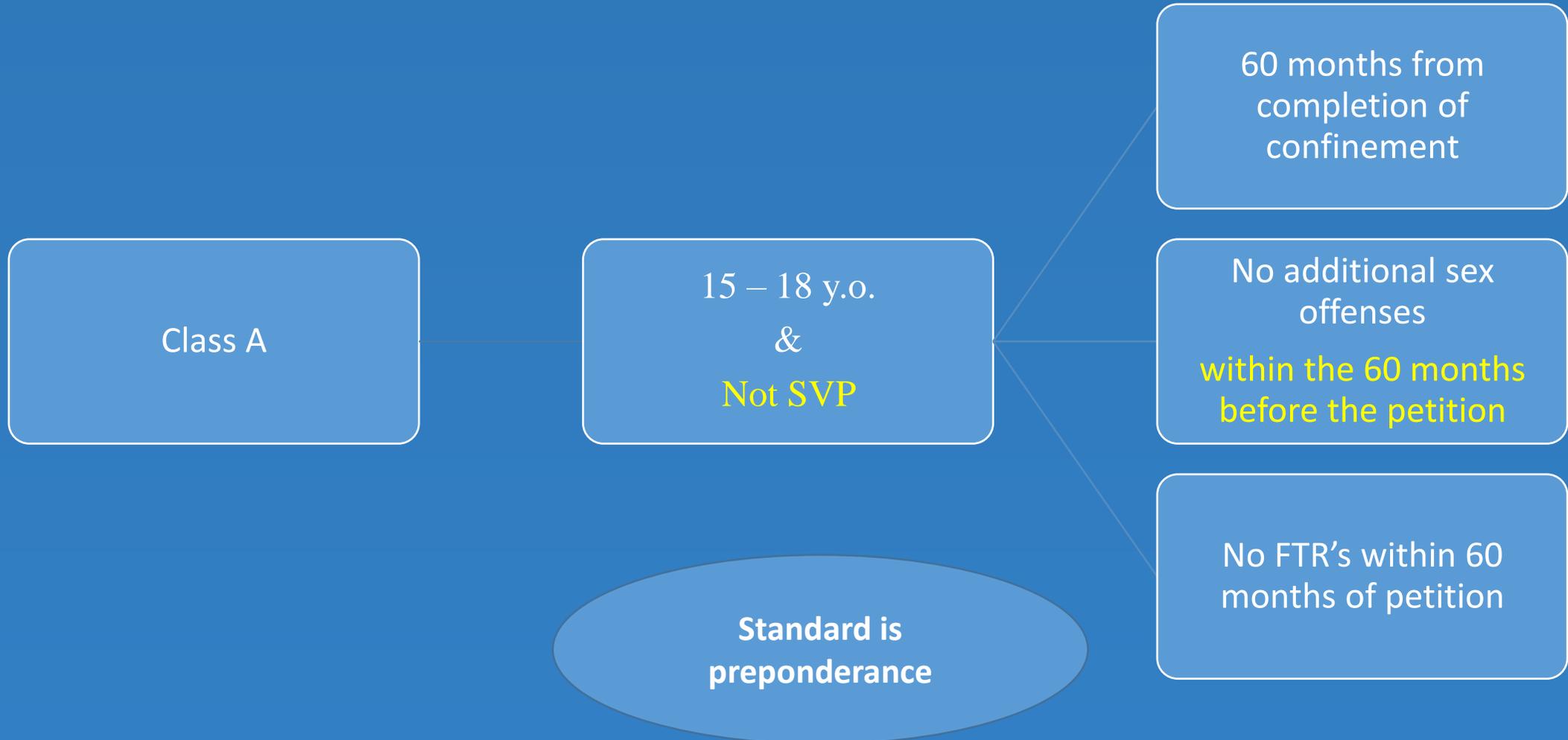
Time Frames: The OLD



Time Frames: The NEW



Relief From Registration Juvenile Offenders - Eligibility



Relief From Registration Juvenile Offenders - Eligibility



Relief From Registration Juvenile Offenders - Miscellaneous Changes

- Where Can they Petition to Be Relieved
 - Historically, either county of conviction or Thurston County
 - Now:
 - County of conviction
 - **County where juvenile is currently registered**
- **Relief from Registration \neq restoration of firearm rights**
- **Juvenile convicted as an adult may not be relieved based on age/§**
- **Adult prosecuted for offense occurring as juvenile MAY petition based on age/§**

Miscellaneous Changes

- Definition of Sex Offender Risk Levels (RCW 4.24.550(6)(d))
- Juvenile Courts will not provide “all relevant information on offenders allowed to remain in the community in a timely manner.”
- SVPs get a lifetime duty to register and cannot petition to be removed from the registry at any time.
- Sunset provisions – and references – removed from RCW 9A.44.142(5).
- Address Verification. If an offender moves to a new county, “The county sheriff with whom the person last registered is responsible for address verification pursuant to RCW 9A.44.135 until the person completes registration of his or her new residence address.” RCW 9A.44.130(5)(b).
- When offender classified as Level III, law enforcement is required to do a new release, but does not have to publish a new notice in the paper

DNA Requirements

- Statute requires DNA be taken when person convicted of:
 - Any Felony conviction
 - Assault 4 with sexual motivation
 - Communication with a minor for immoral purposes
 - Failure to Register
 - Harassment
 - Patronizing a Prostitute
 - Sexual Misconduct with a Minor
 - Stalking
 - Violation of SAPO
 - Any person required to register per 9A.44.130
- Local Police Department or Sheriff's Office required to obtain samples
- Refusal to comply with legal request for DNA = gross misdemeanor

Questions? Comments? Concerns? Snide Remarks?

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