

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5204

Chapter 338, Laws of 2011

62nd Legislature
2011 Regular Session

SEX OFFENSES--JUVENILES--REGISTRATION--RECORDS--SCHOOLS

EFFECTIVE DATE: 07/22/11

Passed by the Senate April 21, 2011
YEAS 25 NAYS 20

BRAD OWEN

President of the Senate

Passed by the House April 9, 2011
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 12, 2011, 2:22 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5204** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 13, 2011

Secretary of State
State of Washington

SUBSTITUTE SENATE BILL 5204

AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Senate Human Services & Corrections (originally sponsored by
Senators Regala, Hargrove, and Stevens)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to juveniles who have been adjudicated of a sex
2 offense; amending RCW 9A.44.143, 13.40.160, 13.50.050, and 72.09.345;
3 adding a new section to chapter 13.40 RCW; and adding a new section to
4 chapter 28A.300 RCW.

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

6 **Sec. 1.** RCW 9A.44.143 and 2010 c 267 s 7 are each amended to read
7 as follows:

8 (1) An offender having a duty to register under RCW 9A.44.130 for
9 a sex offense or kidnapping offense committed when the offender was a
10 juvenile may petition the superior court to be relieved of that duty as
11 provided in this section.

12 (2) For class A sex offenses or kidnapping offenses committed when
13 the petitioner was fifteen years of age or older, the court may relieve
14 the petitioner of the duty to register if:

15 (a) At least sixty months have passed since the petitioner's
16 adjudication and completion of any term of confinement for the offense
17 giving rise to the duty to register and the petitioner has not been
18 adjudicated or convicted of any additional sex offenses or kidnapping
19 offenses;

1 **(b) The petitioner has not been adjudicated or convicted of a**
2 **violation of RCW 9A.44.132 (failure to register) during the sixty**
3 **months prior to filing the petition; and**

4 **(c) The petitioner shows by a preponderance of the evidence that**
5 **the petitioner is sufficiently rehabilitated to warrant removal from**
6 **the central registry of sex offenders and kidnapping offenders.**

7 **(3) For all other sex offenses or kidnapping offenses committed by**
8 **a juvenile not included in subsection (2) of this section, the court**
9 **may relieve the petitioner of the duty to register if:**

10 **(a) At least twenty-four months have passed since the petitioner's**
11 **adjudication and completion of any term of confinement for the offense**
12 **giving rise to the duty to register and the petitioner has not been**
13 **adjudicated or convicted of any additional sex offenses or kidnapping**
14 **offenses;**

15 **(b) The petitioner has not been adjudicated or convicted of a**
16 **violation of RCW 9A.44.132 (failure to register) during the twenty-four**
17 **months prior to filing the petition; and**

18 **(c) ((i) The petitioner was fifteen years of age or older at the**
19 **time the sex offense or kidnapping offense was committed and the**
20 **petitioner shows by clear and convincing evidence that the petitioner**
21 **is sufficiently rehabilitated to warrant removal from the central**
22 **registry of sex offenders and kidnapping offenders; or**

23 **(ii)) The petitioner ((was under the age of fifteen at the time**
24 **the sex offense or kidnapping offense was committed and the**
25 **petitioner)) shows by a preponderance of the evidence that the**
26 **petitioner is sufficiently rehabilitated to warrant removal from the**
27 **central registry of sex offenders and kidnapping offenders.**

28 **((3)) (4) A petition for relief from registration under this**
29 **section shall be made to the court in which the petitioner was**
30 **convicted of the offense that subjects him or her to the duty to**
31 **register or, in the case of convictions in other states, a foreign**
32 **country, or a federal or military court, to the court in Thurston**
33 **county. The prosecuting attorney of the county shall be named and**
34 **served as the respondent in any such petition.**

35 **((4)) (5) In determining whether the petitioner is sufficiently**
36 **rehabilitated to warrant removal from the central registry of sex**
37 **offenders and kidnapping offenders, the following factors are provided**

1 physical characteristics, name, birthdate or address, but does not
2 include information regarding criminal activity, arrest, charging,
3 diversion, conviction or other information about a person's treatment
4 by the criminal justice system or about the person's behavior.

5 (24) Information identifying child victims under age eighteen who
6 are victims of sexual assaults by juvenile offenders is confidential
7 and not subject to release to the press or public without the
8 permission of the child victim or the child's legal guardian.
9 Identifying information includes the child victim's name, addresses,
10 location, photographs, and in cases in which the child victim is a
11 relative of the alleged perpetrator, identification of the relationship
12 between the child and the alleged perpetrator. Information identifying
13 a child victim of sexual assault may be released to law enforcement,
14 prosecutors, judges, defense attorneys, or private or governmental
15 agencies that provide services to the child victim of sexual assault.

16 **Sec. 5.** RCW 72.09.345 and 2008 c 231 s 49 are each amended to read
17 as follows:

18 (1) In addition to any other information required to be released
19 under this chapter, the department is authorized, pursuant to RCW
20 4.24.550, to release relevant information that is necessary to protect
21 the public concerning offenders convicted of sex offenses.

22 (2) In order for public agencies to have the information necessary
23 to notify the public as authorized in RCW 4.24.550, the secretary shall
24 establish and administer an end-of-sentence review committee for the
25 purposes of assigning risk levels, reviewing available release plans,
26 and making appropriate referrals for sex offenders. ((The committee
27 shall assess, on a case by case basis, the public risk posed by sex
28 offenders who are: (a) Preparing for their release from confinement
29 for sex offenses committed on or after July 1, 1984; and (b) accepted
30 from another state under a reciprocal agreement under the interstate
31 compact authorized in chapter 72.74 RCW.))

32 (3) The committee shall assess, on a case-by-case basis, the public
33 risk posed by:

34 (a) Offenders preparing for release from confinement for a sex
35 offense or sexually violent offense committed on or after July 1, 1984;

36 (b) Sex offenders accepted from another state under a reciprocal

1 agreement under the interstate corrections compact authorized in
2 chapter 72.74 RCW;

3 (c) Juveniles preparing for release from confinement for a sex
4 offense and releasing from the department of social and health services
5 juvenile rehabilitation administration;

6 (d) Juveniles, following disposition, under the jurisdiction of a
7 county juvenile court for a registerable sex offense; and

8 (e) Juveniles found to have committed a sex offense and accepted
9 from another state under a reciprocal agreement under the interstate
10 compact for juveniles authorized in chapter 13.24 RCW.

11 (4) Notwithstanding any other provision of law, the committee shall
12 have access to all relevant records and information in the possession
13 of public agencies relating to the offenders under review, including
14 police reports; prosecutors' statements of probable cause; presentence
15 investigations and reports; complete judgments and sentences; current
16 classification referrals; criminal history summaries; violation and
17 disciplinary reports; all psychological evaluations and psychiatric
18 hospital reports; sex offender treatment program reports; and juvenile
19 records. Records and information obtained under this subsection shall
20 not be disclosed outside the committee unless otherwise authorized by
21 law.

22 ((+4)) (5) The committee shall review each sex offender under its
23 authority before the offender's release from confinement or start of
24 the offender's term of community custody in order to: (a) Classify the
25 offender into a risk level for the purposes of public notification
26 under RCW 4.24.550; (b) where available, review the offender's proposed
27 release plan in accordance with the requirements of RCW 72.09.340; and
28 (c) make appropriate referrals.

29 ((+5)) (6) The committee shall classify as risk level I those sex
30 offenders whose risk assessments indicate a low risk of reoffense
31 within the community at large. The committee shall classify as risk
32 level II those offenders whose risk assessments indicate a moderate
33 risk of reoffense within the community at large. The committee shall
34 classify as risk level III those offenders whose risk assessments
35 indicate a high risk of reoffense within the community at large.

36 ((+6)) (7) The committee shall issue to appropriate law
37 enforcement agencies, for their use in making public notifications
38 under RCW 4.24.550, narrative notices regarding the pending release of

1 sex offenders from the department's facilities. The narrative notices
2 shall, at a minimum, describe the identity and criminal history
3 behavior of the offender and shall include the department's risk level
4 classification for the offender. For sex offenders classified as
5 either risk level II or III, the narrative notices shall also include
6 the reasons underlying the classification.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.300
8 RCW to read as follows:

9 The superintendent of public instruction shall publish on its web
10 site, with a link to the safety center web page, a revised and updated
11 sample policy for schools to follow regarding students required to
12 register as sex or kidnapping offenders.

Passed by the Senate April 21, 2011.
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