Sex Offender Registration Statutes

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| RCW 9A.44.128  Definitions applicable to RCW 9A.44.130 through 9A.44.145, 10.01.200, 43.43.540, 70.48.470, and72.09.330 . |  |

For the purposes of RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130) through [9A.44.145](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.145),[10.01.200](http://app.leg.wa.gov/RCW/default.aspx?cite=10.01.200) , [43.43.540](http://app.leg.wa.gov/RCW/default.aspx?cite=43.43.540), [70.48.470](http://app.leg.wa.gov/RCW/default.aspx?cite=70.48.470), and [72.09.330](http://app.leg.wa.gov/RCW/default.aspx?cite=72.09.330), the following definitions apply:  
  
(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.  
  
(2) "Conviction" means any adult conviction or juvenile adjudication for a sex offense or kidnapping offense.  
  
(3) "Disqualifying offense" means a conviction for: Any offense that is a felony; a sex offense as defined in this section; a crime against children or persons as defined in RCW [43.43.830](http://app.leg.wa.gov/RCW/default.aspx?cite=43.43.830)(7) and [9.94A.411](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.411)(2)(a); an offense with a domestic violence designation as provided in RCW [10.99.020](http://app.leg.wa.gov/RCW/default.aspx?cite=10.99.020); permitting the commercial sexual abuse of a minor as defined in RCW [9.68A.103](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.103); or any violation of chapter [9A.88](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.88) RCW.  
  
(4) "Employed" or "carries on a vocation" means employment that is full time or part time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.  
  
(5) "Fixed residence" means a building that a person lawfully and habitually uses as living quarters a majority of the week. Uses as living quarters means to conduct activities consistent with the common understanding of residing, such as sleeping; eating; keeping personal belongings; receiving mail; and paying utilities, rent, or mortgage. A nonpermanent structure including, but not limited to, a motor home, travel trailer, camper, or boat may qualify as a residence provided it is lawfully and habitually used as living quarters a majority of the week, primarily kept at one location with a physical address, and the location it is kept at is either owned or rented by the person or used by the person with the permission of the owner or renter. A shelter program may qualify as a residence provided it is a shelter program designed to provide temporary living accommodations for the homeless, provides an offender with a personally assigned living space, and the offender is permitted to store belongings in the living space.  
  
(6) "In the community" means residing outside of confinement or incarceration for a disqualifying offense.  
  
(7) "Institution of higher education" means any public or private institution dedicated to postsecondary education, including any college, university, community college, trade, or professional school.  
  
(8) "Kidnapping offense" means:  
  
(a) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter [9A.40](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.40) RCW, where the victim is a minor and the offender is not the minor's parent;  
  
(b) Any offense that is, under chapter [9A.28](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.28) RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection; and  
  
(c) Any federal or out-of-state conviction for: An offense for which the person would be required to register as a kidnapping offender if residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a kidnapping offense under this subsection.  
  
(9) "Lacks a fixed residence" means the person does not have a living situation that meets the definition of a fixed residence and includes, but is not limited to, a shelter program designed to provide temporary living accommodations for the homeless, an outdoor sleeping location, or locations where the person does not have permission to stay.  
  
(10) "Sex offense" means:  
  
(a) Any offense defined as a sex offense by RCW [9.94A.030](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.030);  
  
(b) Any violation under RCW [9A.44.096](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.096) (sexual misconduct with a minor in the second degree);  
  
(c) Any violation under RCW [9A.40.100](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.40.100)(1)(b)(ii) (trafficking);  
  
(d) Any violation under RCW [9.68A.090](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.090) (communication with a minor for immoral purposes);  
  
(e) A violation under RCW [9A.88.070](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.88.070) (promoting prostitution in the first degree) or RCW [9A.88.080](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.88.080) (promoting prostitution in the second degree) if the person has a prior conviction for one of these offenses;  
  
(f) Any violation under RCW [9A.40.100](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.40.100)(1)(a)(i)(A) (III) or (IV) or (a)(i)(B);  
  
(g) Any gross misdemeanor that is, under chapter [9A.28](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.28) RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW [9.94A.030](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.030) or this subsection;  
  
(h) Any out-of-state conviction for an offense for which the person would be required to register as a sex offender while residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of this state would be classified as a sex offense under this subsection;  
  
(i) Any federal conviction classified as a sex offense under 42 U.S.C. Sec. 16911 (SORNA);  
  
(j) Any military conviction for a sex offense. This includes sex offenses under the uniform code of military justice, as specified by the United States secretary of defense;  
  
(k) Any conviction in a foreign country for a sex offense if it was obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established pursuant to 42 U.S.C. Sec. 16912.  
  
(11) "School" means a public or private school regulated under Title [28A](http://app.leg.wa.gov/RCW/default.aspx?cite=28A) RCW or chapter [72.40](http://app.leg.wa.gov/RCW/default.aspx?cite=72.40) RCW.  
  
(12) "Student" means a person who is enrolled, on a full-time or part-time basis, in any school or institution of higher education.

[2014 c 188 § 2; 2013 c 302 § 8; 2012 c 134 § 2; 2011 c 337 § 2; 2010 c 267 § 1.]

Notes:

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| **Effective date -- 2013 c 302:** See note following RCW [9.68A.090](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.090).  **Application -- 2010 c 267:** "The provisions of this act apply to persons convicted before, on, or after June 10, 2010." [2010 c 267 § 15.] | |
| RCW 9A.44.130  Registration of sex offenders and kidnapping offenders — Procedures — Definition — Penalties. |  | |

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter [10.77](http://app.leg.wa.gov/RCW/default.aspx?cite=10.77) RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. When a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.  
  
(b) Any adult or juvenile who is required to register under (a) of this subsection must give notice to the county sheriff of the county with whom the person is registered within three business days:  
  
(i) Prior to arriving at a school or institution of higher education to attend classes;  
  
(ii) Prior to starting work at an institution of higher education; or  
  
(iii) After any termination of enrollment or employment at a school or institution of higher education.  
  
(2)(a) A person required to register under this section must provide the following information when registering: (i) Name and any aliases used; (ii) complete and accurate residential address or, if the person lacks a fixed residence, where he or she plans to stay; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) social security number; (viii) photograph; and (ix) fingerprints.  
  
(b) A person may be required to update any of the information required in this subsection in conjunction with any address verification conducted by the county sheriff or as part of any notice required by this section.  
  
(c) A photograph or copy of an individual's fingerprints may be taken at any time to update an individual's file.  
  
(3)(a) Offenders shall register with the county sheriff within the following deadlines:  
  
(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within three business days from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register.   
  
When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.  
  
(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (3)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence.   
  
(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within three business days from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (3)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation.   
  
(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register within three business days of being sentenced.  
  
(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within three business days of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.  
  
(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter [10.77](http://app.leg.wa.gov/RCW/default.aspx?cite=10.77) RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within three business days from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within three business days of receiving notice of this registration requirement.   
  
(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than three business days after entering the county and provide the information required in subsection (2)(a) of this section.  
  
(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.  
  
(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.  
  
(b) The county sheriff shall not be required to determine whether the person is living within the county.  
  
(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of RCW [9A.44.132](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.132), or arraignment on charges for a violation of RCW [9A.44.132](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.132), constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under RCW [9A.44.132](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.132) who asserts as a defense the lack of notice of the duty to register shall register within three business days following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (3)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.  
  
(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.  
  
(4)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address to the county sheriff within three business days of moving.  
  
(b) If any person required to register pursuant to this section moves to a new county, the person must register with that county sheriff within three business days of moving. Within three business days, the person must also provide, by certified mail, with return receipt requested or in person, signed written notice of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.  
  
(5)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within three business days after ceasing to have a fixed residence. The notice shall include the information required by subsection (2)(a) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.  
  
(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The person must keep an accurate accounting of where he or she stays during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW [4.24.550](http://app.leg.wa.gov/RCW/default.aspx?cite=4.24.550).  
  
(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within three business days of ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (3)(a)(vii) or (viii) and (5) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.  
  
(6) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW [4.24.130](http://app.leg.wa.gov/RCW/default.aspx?cite=4.24.130) or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within three business days of the entry of the order.  
  
(7) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

[2011 c 337 § 3. Prior: 2010 c 267 § 2; 2010 c 265 § 1; 2008 c 230 § 1; prior: 2006 c 129 § 2; (2006 c 129 § 1 expired September 1, 2006); 2006 c 128 § 2; (2006 c 128 § 1 expired September 1, 2006); 2006 c 127 § 2; 2006 c 126 § 2; (2006 c 126 § 1 expired September 1, 2006); 2005 c 380 § 1; prior: 2003 c 215 § 1; 2003 c 53 § 68; 2002 c 31 § 1; prior: 2001 c 169 § 1; 2001 c 95 § 2; 2000 c 91 § 2; prior: 1999 sp.s. c 6 § 2; 1999 c 352 § 9; prior: 1998 c 220 § 1; 1998 c 139 § 1; prior: 1997 c 340 § 3; 1997 c 113 § 3; 1996 c 275 § 11; prior: 1995 c 268 § 3; 1995 c 248 § 1; 1995 c 195 § 1; 1994 c 84 § 2; 1991 c 274 § 2; 1990 c 3 § 402.]

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| **Application -- 2010 c 267:** See note following RCW [9A.44.128](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.128).  **Delayed effective date -- 2008 c 230 §§ 1-3:** "Sections 1 through 3 of this act take effect ninety days after adjournment sine die of the 2010 legislative session." [2008 c 230 § 5.]  **Effective date -- 2006 c 129 § 2:** "Section 2 of this act takes effect September 1, 2006." [2006 c 129 § 4.]  **Expiration date -- 2006 c 129 § 1:** "Section 1 of this act expires September 1, 2006." [2006 c 129 § 3.]  **Effective date -- 2006 c 128 § 2:** "Section 2 of this act takes effect September 1, 2006." [2006 c 128 § 8.]  **Expiration date -- 2006 c 128 § 1:** "Section 1 of this act expires September 1, 2006." [2006 c 128 § 7.]  **Severability -- 2006 c 127:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2006 c 127 § 1.]  **Effective date -- 2006 c 127:** "This act takes effect September 1, 2006." [2006 c 127 § 3.]  **Effective date -- 2006 c 126 § 2:** "Section 2 of this act takes effect September 1, 2006." [2006 c 126 § 10.]  **Expiration date -- 2006 c 126 § 1:** "Section 1 of this act expires September 1, 2006." [2006 c 126 § 8.]  **Effective date -- 2006 c 126 §§ 1 and 3-7:** "Sections 1 and 3 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [March 20, 2006]." [2006 c 126 § 9.]  **Effective date -- 2005 c 380:** "This act takes effect September 1, 2006." [2005 c 380 § 4.]  **Intent -- Effective date -- 2003 c 53:** See notes following RCW [2.48.180](http://app.leg.wa.gov/RCW/default.aspx?cite=2.48.180).  **Application -- 2002 c 31:** "This act applies to all persons convicted of communication with a minor either on, before, or after July 1, 2001, unless otherwise relieved of the duty to register under RCW [9A.44.140](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.140)." [2002 c 31 § 2.]  **Severability -- 2002 c 31:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2002 c 31 § 3.]  **Effective date -- 2002 c 31:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 12, 2002]." [2002 c 31 § 4.]  **Effective date -- 2001 c 95:** See note following RCW [9.94A.030](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.030).  **Intent -- 1999 sp.s. c 6:** "It is the intent of this act to revise the law on registration of sex and kidnapping offenders in response to the case of *State v. Pickett,* Docket number 41562-0-I. The legislature intends that all sex and kidnapping offenders whose history requires them to register shall do so regardless of whether the person has a fixed residence. The lack of a residential address is not to be construed to preclude registration as a sex or kidnapping offender. The legislature intends that persons who lack a residential address shall have an affirmative duty to report to the appropriate county sheriff, based on the level of risk of offending." [1999 sp.s. c 6 § 1.]  **Effective date -- 1999 sp.s. c 6:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 7, 1999]." [1999 sp.s. c 6 § 3.]  **Severability -- 1998 c 220:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1998 c 220 § 7.]  **Findings -- 1997 c 113:** See note following RCW [4.24.550](http://app.leg.wa.gov/RCW/default.aspx?cite=4.24.550).  **Finding -- 1996 c 275:** See note following RCW [9.94A.505](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.505).  **Purpose -- 1995 c 268:** See note following RCW [9.94A.030](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.030).  **Intent -- 1994 c 84:** "This act is intended to clarify existing law and is not intended to reflect a substantive change in the law." [1994 c 84 § 1.]  **Finding and intent -- 1991 c 274:** "The legislature finds that sex offender registration has assisted law enforcement agencies in protecting their communities. This act is intended to clarify and amend the deadlines for sex offenders to register. This act's clarification or amendment of RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130) does not relieve the obligation of sex offenders to comply with the registration requirements of RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130) as that statute exists before July 28, 1991." [1991 c 274 § 1.]  **Finding -- Policy -- 1990 c 3 § 402:** "The legislature finds that sex offenders often pose a high risk of reoffense, and that law enforcement's efforts to protect their communities, conduct investigations, and quickly apprehend offenders who commit sex offenses, are impaired by the lack of information available to law enforcement agencies about convicted sex offenders who live within the law enforcement agency's jurisdiction. Therefore, this state's policy is to assist local law enforcement agencies' efforts to protect their communities by regulating sex offenders by requiring sex offenders to register with local law enforcement agencies as provided in RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130)." [1990 c 3 § 401.]  **Index, part headings not law -- Severability -- Effective dates -- Application -- 1990 c 3:** See RCW [18.155.900](http://app.leg.wa.gov/RCW/default.aspx?cite=18.155.900) through [18.155.902](http://app.leg.wa.gov/RCW/default.aspx?cite=18.155.902). |

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| RCW 9A.44.132  Failure to register as sex offender or kidnapping offender. |  |

(1) A person commits the crime of failure to register as a sex offender if the person has a duty to register under RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130) for a felony sex offense and knowingly fails to comply with any of the requirements of RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130).  
  
(a) The failure to register as a sex offender pursuant to this subsection is a class C felony if:  
  
(i) It is the person's first conviction for a felony failure to register; or  
  
(ii) The person has previously been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state.  
  
(b) If a person has been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state on two or more prior occasions, the failure to register under this subsection is a class B felony.  
  
(2) A person is guilty of failure to register as a sex offender if the person has a duty to register under RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130) for a sex offense other than a felony and knowingly fails to comply with any of the requirements of RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130). The failure to register as a sex offender under this subsection is a gross misdemeanor.  
  
(3) A person commits the crime of failure to register as a kidnapping offender if the person has a duty to register under RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130) for a kidnapping offense and knowingly fails to comply with any of the requirements of RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130).  
  
(a) If the person has a duty to register for a felony kidnapping offense, the failure to register as a kidnapping offender is a class C felony.  
  
(b) If the person has a duty to register for a kidnapping offense other than a felony, the failure to register as a kidnapping offender is a gross misdemeanor.  
  
(4) Unless relieved of the duty to register pursuant to RCW [9A.44.141](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.141) and [9A.44.142](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.142), a violation of this section is an ongoing offense for purposes of the statute of limitations under RCW [9A.04.080](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.04.080).

[2011 c 337 § 5; 2010 c 267 § 3.]

Notes:

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| **Application -- 2010 c 267:** See note following RCW [9A.44.128](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.128). |

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| RCW 9A.44.135  Address verification. |  |

(1) When an offender registers with the county sheriff pursuant to RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130), the county sheriff shall notify the police chief or town marshal of the jurisdiction in which the offender has registered to live. If the offender registers to live in an unincorporated area of the county, the sheriff shall make reasonable attempts to verify that the offender is residing at the registered address. If the offender registers to live in an incorporated city or town, the police chief or town marshal shall make reasonable attempts to verify that the offender is residing at the registered address. Reasonable attempts include verifying an offender's address pursuant to the grant program established under RCW [36.28A.230](http://app.leg.wa.gov/RCW/default.aspx?cite=36.28A.230). If the sheriff or police chief or town marshal does not participate in the grant program established under RCW [36.28A.230](http://app.leg.wa.gov/RCW/default.aspx?cite=36.28A.230), reasonable attempts require a yearly mailing by certified mail, with return receipt requested, a nonforwardable verification form to the offender at the offender's last registered address sent by the chief law enforcement officer of the jurisdiction where the offender is registered to live. For offenders who have been previously designated sexually violent predators under chapter [71.09](http://app.leg.wa.gov/RCW/default.aspx?cite=71.09) RCW or the equivalent procedure in another jurisdiction, even if the designation has subsequently been removed, this mailing must be sent every ninety days.  
  
The offender must sign the verification form, state on the form whether he or she still resides at the last registered address, and return the form to the chief law enforcement officer of the jurisdiction where the offender is registered to live within ten days after receipt of the form.  
  
(2) The chief law enforcement officer of the jurisdiction where the offender has registered to live shall make reasonable attempts to locate any sex offender who fails to return the verification form or who cannot be located at the registered address.  
  
If the offender fails to return the verification form or the offender is not at the last registered address, the chief law enforcement officer of the jurisdiction where the offender has registered to live shall promptly forward this information to the county sheriff and to the Washington state patrol for inclusion in the central registry of sex offenders.  
  
(3) When an offender notifies the county sheriff of a change to his or her residence address pursuant to RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130), and the new address is in a different law enforcement jurisdiction, the county sheriff shall notify the police chief or town marshal of the jurisdiction from which the offender has moved.  
  
(4) County sheriffs and police chiefs or town marshals may enter into agreements for the purposes of delegating the authority and obligation to fulfill the requirements of this section.

[2010 c 265 § 2; 2000 c 91 § 1; 1999 c 196 § 15; 1998 c 220 § 2; 1995 c 248 § 3.]

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| **Construction -- Short title -- 1999 c 196:** See RCW [72.09.904](http://app.leg.wa.gov/RCW/default.aspx?cite=72.09.904) and [72.09.905](http://app.leg.wa.gov/RCW/default.aspx?cite=72.09.905).  **Severability -- 1999 c 196:** See note following RCW [9.94A.010](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.010).  **Severability -- 1998 c 220:** See note following RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130). |

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| RCW 9A.44.138  Attendance, employment of registered sex offenders and kidnapping offenders at institutions of higher education — Notice to school districts, principal, department of public safety at institution — Confidentiality. |  |

(1) Upon receiving notice from a registered person pursuant to RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130) that the person will be attending a school or institution of higher education or will be employed with an institution of higher education, the sheriff must promptly notify the school district and the school principal or institution's department of public safety and shall provide that school or department with the person's: (a) Name and any aliases used; (b) complete residential address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) social security number; (h) photograph; and (i) risk level classification.  
  
(2) A principal or department receiving notice under this subsection must disclose the information received from the sheriff as follows:  
  
(a) If the student is classified as a risk level II or III, the principal shall provide the information received to every teacher of the student and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;  
  
(b) If the student is classified as a risk level I, the principal or department shall provide the information received only to personnel who, in the judgment of the principal or department, for security purposes should be aware of the student's record.  
  
(3) The sheriff shall notify the applicable school district and school principal or institution's department of public safety whenever a student's risk level classification is changed or the sheriff is notified of a change in the student's address.  
  
(4) Any information received by school or institution personnel under this subsection is confidential and may not be further disseminated except as provided in RCW [28A.225.330](http://app.leg.wa.gov/RCW/default.aspx?cite=28A.225.330), other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

[2011 c 337 § 4.]

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| RCW 9A.44.140  Registration of sex offenders and kidnapping offenders — Duty to register. |  |

The duty to register under RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130) shall continue for the duration provided in this section.  
  
(1) For a person convicted in this state of a class A felony or an offense listed in RCW [9A.44.142](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.142)(5), or a person convicted in this state of any sex offense or kidnapping offense who has one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall continue indefinitely.  
  
(2) For a person convicted in this state of a class B felony who does not have one or more prior convictions for a sex offense or kidnapping offense and whose current offense is not listed in RCW [9A.44.142](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.142)(5), the duty to register shall end fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period.  
  
(3) For a person convicted in this state of a class C felony, a violation of RCW [9.68A.090](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.090) or [9A.44.096](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.096), or an attempt, solicitation, or conspiracy to commit a class C felony, and the person does not have one or more prior convictions for a sex offense or kidnapping offense and the person's current offense is not listed in RCW [9A.44.142](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.142)(5), the duty to register shall end ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of a disqualifying offense during that time period.  
  
(4) For a person required to register for a federal or out-of-state conviction, the duty to register shall continue indefinitely.  
  
(5) Nothing in this section prevents a person from being relieved of the duty to register under RCW [9A.44.142](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.142) and [9A.44.143](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.143).  
  
(6) Nothing in RCW [9.94A.637](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.637) relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130).  
  
(7) For purposes of determining whether a person has been convicted of more than one sex offense, failure to register as a sex offender or kidnapping offender is not a sex or kidnapping offense.  
  
(8) The provisions of this section and RCW [9A.44.141](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.141) through [9A.44.143](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.143) apply equally to a person who has been found not guilty by reason of insanity under chapter [10.77](http://app.leg.wa.gov/RCW/default.aspx?cite=10.77) RCW of a sex offense or kidnapping offense.

[2010 c 267 § 4; 2002 c 25 § 1; 2001 c 170 § 2; 2000 c 91 § 3; 1998 c 220 § 3; 1997 c 113 § 4; 1996 c 275 § 12. Prior: 1995 c 268 § 4; 1995 c 248 § 2; 1995 c 195 § 2; 1991 c 274 § 3; 1990 c 3 § 408.]

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| **Application -- 2010 c 267:** See note following RCW [9A.44.128](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.128).  **Effective date -- 2002 c 25:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 12, 2002]." [2002 c 25 § 3.]  **Intent -- 2001 c 170:** "The legislature intends to amend the lifetime sex offender registration requirement so that it is narrowly tailored to meet the requirements of the Jacob Wetterling act." [2001 c 170 § 1.]  **Severability -- 1998 c 220:** See note following RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130).  **Findings -- 1997 c 113:** See note following RCW [4.24.550](http://app.leg.wa.gov/RCW/default.aspx?cite=4.24.550).  **Finding -- 1996 c 275:** See note following RCW [9.94A.505](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.505).  **Purpose -- 1995 c 268:** See note following RCW [9.94A.030](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.030).  **Finding and intent -- 1991 c 274:** See note following RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130).  **Index, part headings not law -- Severability -- Effective dates -- Application -- 1990 c 3:** See RCW [18.155.900](http://app.leg.wa.gov/RCW/default.aspx?cite=18.155.900) through [18.155.902](http://app.leg.wa.gov/RCW/default.aspx?cite=18.155.902). |

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| RCW 9A.44.141  Investigation — End of duty to register — Removal from registry — Civil liability. |  |

(1) Upon the request of a person who is listed in the Washington state patrol central registry of sex offenders and kidnapping offenders, the county sheriff shall investigate whether a person's duty to register has ended by operation of law pursuant to RCW [9A.44.140](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.140).  
  
(a) Using available records, the county sheriff shall verify that the offender has spent the requisite time in the community and has not been convicted of a disqualifying offense.  
  
(b) If the county sheriff determines the person's duty to register has ended by operation of law, the county sheriff shall request the Washington state patrol remove the person's name from the central registry.  
  
(2) Nothing in this subsection prevents a county sheriff from investigating, upon his or her own initiative, whether a person's duty to register has ended by operation of law pursuant to RCW [9A.44.140](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.140).  
  
(3)(a) A person who is listed in the central registry as the result of a federal or out-of-state conviction may request the county sheriff to investigate whether the person should be removed from the registry if:  
  
(i) A court in the person's state of conviction has made an individualized determination that the person should not be required to register; and  
  
(ii) The person provides proof of relief from registration to the county sheriff.  
  
(b) If the county sheriff determines the person has been relieved of the duty to register in his or her state of conviction, the county sheriff shall request the Washington state patrol remove the person's name from the central registry.  
  
(4) An appointed or elected public official, public employee, or public agency as defined in RCW [4.24.470](http://app.leg.wa.gov/RCW/default.aspx?cite=4.24.470), or units of local government and its employees, as provided in RCW [36.28A.010](http://app.leg.wa.gov/RCW/default.aspx?cite=36.28A.010), are immune from civil liability for damages for removing or requesting the removal of a person from the central registry of sex offenders and kidnapping offenders or the failure to remove or request removal of a person within the time frames provided in RCW [9A.44.140](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.140).

[2011 c 337 § 6; 2010 c 267 § 5.]

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| **Application -- 2010 c 267:** See note following RCW [9A.44.128](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.128). |

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| |  |  | | --- | --- | | RCW 9A.44.142  Relief from duty to register — Petition — Exceptions. |  |   (1) A person who is required to register under RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=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](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.143);  (b) 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  (c) If the person is required to register for a federal 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 as defined in RCW [71.09.020](http://app.leg.wa.gov/RCW/default.aspx?cite=71.09.020);  (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; or  (iii) Until July 1, 2012, convicted of one aggravated offense or more than one sexually violent offense, as defined in subsection (5) of this section, and the offense or offenses were committed on or after March 12, 2002. After July 1, 2012, this subsection (2)(a)(iii) shall have no further force and effect.  (b) Any person who may not be relieved of the duty to register may petition the court to be exempted from any community notification requirements that the person may be subject to fifteen years after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction, if the person has spent the time in the community without being convicted of a disqualifying offense.  (3) A petition for relief from registration or exemption from notification under this section shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in the county where the person is registered at the time the petition is sought. The prosecuting attorney of the county shall be named and served as the respondent in any such petition.  (4)(a) The court may relieve a petitioner of the duty to register only if the petitioner shows by clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.  (b) In determining whether the petitioner is sufficiently rehabilitated to warrant removal from the registry, the following factors are provided as guidance to assist the court in making its determination:  (i) The nature of the registrable offense committed including the number of victims and the length of the offense history;  (ii) Any subsequent criminal history;  (iii) The petitioner's compliance with supervision requirements;  (iv) The length of time since the charged incident(s) occurred;  (v) Any input from community corrections officers, law enforcement, or treatment providers;  (vi) Participation in sex offender treatment;  (vii) Participation in other treatment and rehabilitative programs;  (viii) The offender's stability in employment and housing;  (ix) The offender's community and personal support system;  (x) Any risk assessments or evaluations prepared by a qualified professional;  (xi) Any updated polygraph examination;  (xii) Any input of the victim;  (xiii) Any other factors the court may consider relevant.  (5)(a) A person who has been convicted of an aggravated offense, or has been convicted of one or more prior sexually violent offenses or criminal offenses against a victim who is a minor, as defined in (b) of this subsection:  (i) Until July 1, 2012, may not be relieved of the duty to register;  (ii) After July 1, 2012, may petition the court to be relieved of the duty to register as provided in this section;  (iii) This provision shall apply to convictions for crimes committed on or after July 22, 2001.  (b) Unless the context clearly requires otherwise, the following definitions apply only to the federal lifetime registration requirements under this subsection:  (i) "Aggravated offense" means an adult conviction that meets the definition of 18 U.S.C. Sec. 2241, which is limited to the following:  (A) Any sex offense involving sexual intercourse or sexual contact where the victim is under twelve years of age;  (B) RCW [9A.44.040](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.040) (rape in the first degree), RCW [9A.44.073](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.073) (rape of a child in the first degree), or RCW [9A.44.083](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.083) (child molestation in the first degree);  (C) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct: RCW [9A.44.050](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.050) (rape in the second degree), RCW [9A.44.100](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.100) (indecent liberties), RCW [9A.44.160](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.160) (custodial sexual misconduct in the first degree), RCW [9A.64.020](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.64.020) (incest), or RCW [9.68A.040](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.040) (sexual exploitation of a minor);  (D) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct, if the victim is twelve years of age or over but under sixteen years of age and the offender is eighteen years of age or over and is more than forty-eight months older than the victim: RCW [9A.44.076](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.076) (rape of a child in the second degree), RCW [9A.44.079](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.079) (rape of a child in the third degree), RCW [9A.44.086](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.086) (child molestation in the second degree), or RCW [9A.44.089](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.089) (child molestation in the third degree);  (E) A felony with a finding of sexual motivation under RCW [9.94A.835](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.835) where the victim is under twelve years of age or that is committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct;  (F) An offense that is, under chapter [9A.28](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.28) RCW, an attempt or solicitation to commit such an offense; or  (G) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(i)(A) through (F) of this subsection.  (ii) "Sexually violent offense" means an adult conviction that meets the definition of 42 U.S.C. Sec. 14071(a)(1)(A), which is limited to the following:  (A) An aggravated offense;  (B) An offense that is not an aggravated offense but meets the definition of 18 U.S.C. Sec. 2242, which is limited to RCW [9A.44.050](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.050)(1) (b) through (f) (rape in the second degree) and RCW [9A.44.100](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.100)(1) (b) through (f) (indecent liberties);  (C) A felony with a finding of sexual motivation under RCW [9.94A.835](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.835) where the victim is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, the conduct;  (D) An offense that is, under chapter [9A.28](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.28) RCW, an attempt or solicitation to commit such an offense; or  (E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(ii)(A) through (D) of this subsection.  (iii) "Criminal offense against a victim who is a minor" means, in addition to any aggravated offense or sexually violent offense where the victim was under eighteen years of age, an adult conviction for the following offenses where the victim is under eighteen years of age:  (A) RCW [9A.44.060](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.060) (rape in the third degree), RCW [9A.44.076](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.076) (rape of a child in the second degree), RCW [9A.44.079](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.079) (rape of a child in the third degree), RCW [9A.44.086](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.086) (child molestation in the second degree), RCW [9A.44.089](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.089) (child molestation in the third degree), RCW [9A.44.093](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.093) (sexual misconduct with a minor in the first degree), RCW [9A.44.096](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.096) (sexual misconduct with a minor in the second degree), RCW [9A.44.160](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.160) (custodial sexual misconduct in the first degree), RCW [9A.64.020](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.64.020) (incest), RCW [9.68A.040](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.040) (sexual exploitation of a minor), RCW [9.68A.090](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.090) (communication with a minor for immoral purposes), or RCW [9.68A.100](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.100) (commercial sexual abuse of a minor);  (B) RCW [9A.40.020](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.40.020) (kidnapping in the first degree), RCW [9A.40.030](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.40.030) (kidnapping in the second degree), or RCW [9A.40.040](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.40.040) (unlawful imprisonment), where the victim is a minor and the offender is not the minor's parent;  (C) A felony with a finding of sexual motivation under RCW [9.94A.835](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.835) where the victim is a minor;  (D) An offense that is, under chapter [9A.28](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.28) RCW, an attempt or solicitation to commit such an offense; or  (E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(iii)(A) through (D) of this subsection.  [2011 c 337 § 7; 2010 c 267 § 6.]  Notes:   |  | | --- | | **Application -- 2010 c 267:** See note following RCW [9A.44.128](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.128). |  |  |  | | --- | --- | | RCW 9A.44.143  Relief from duty to register for sex offense or kidnapping offense committed when offender was a juvenile — Petition — Exception. |  |   (1) An offender having a duty to register under RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.130) for a sex offense or kidnapping offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty as provided in this section.  (2) For class A sex offenses or kidnapping offenses committed when the petitioner was fifteen years of age or older, the court may relieve the petitioner of the duty to register if:  (a) At least sixty months have passed since the petitioner's adjudication and completion of any term of confinement for the offense giving rise to the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses;  (b) The petitioner has not been adjudicated or convicted of a violation of RCW [9A.44.132](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.132) (failure to register) during the sixty months prior to filing the petition; and  (c) The petitioner shows by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.  (3) For all other sex offenses or kidnapping offenses committed by a juvenile not included in subsection (2) of this section, the court may relieve the petitioner of the duty to register if:  (a) At least twenty-four months have passed since the petitioner's adjudication and completion of any term of confinement for the offense giving rise to the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses;  (b) The petitioner has not been adjudicated or convicted of a violation of RCW [9A.44.132](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.132) (failure to register) during the twenty-four months prior to filing the petition; and  (c) The petitioner shows by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.  (4) A petition for relief from registration under this section shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition.  (5) In determining whether the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders, the following factors are provided as guidance to assist the court in making its determination, to the extent the factors are applicable considering the age and circumstances of the petitioner:  (a) The nature of the registrable offense committed including the number of victims and the length of the offense history;  (b) Any subsequent criminal history;  (c) The petitioner's compliance with supervision requirements;  (d) The length of time since the charged incident(s) occurred;  (e) Any input from community corrections officers, juvenile parole or probation officers, law enforcement, or treatment providers;  (f) Participation in sex offender treatment;  (g) Participation in other treatment and rehabilitative programs;  (h) The offender's stability in employment and housing;  (i) The offender's community and personal support system;  (j) Any risk assessments or evaluations prepared by a qualified professional;  (k) Any updated polygraph examination;  (l) Any input of the victim;  (m) Any other factors the court may consider relevant.  (6) A juvenile prosecuted and convicted of a sex offense or kidnapping offense as an adult may not petition to the superior court under this section.  [2011 c 338 § 1; 2010 c 267 § 7.]  Notes:   |  | | --- | | **Application -- 2010 c 267:** See note following RCW [9A.44.128](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.128). | |  |

(1) A person who is required to register under RCW [9A.44.130](http://app.leg.wa.gov/RCW/default.aspx?cite=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](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.143);  
  
(b) 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  
  
(c) If the person is required to register for a federal 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 as defined in RCW [71.09.020](http://app.leg.wa.gov/RCW/default.aspx?cite=71.09.020);  
  
(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; or  
  
(iii) Until July 1, 2012, convicted of one aggravated offense or more than one sexually violent offense, as defined in subsection (5) of this section, and the offense or offenses were committed on or after March 12, 2002. After July 1, 2012, this subsection (2)(a)(iii) shall have no further force and effect.  
  
(b) Any person who may not be relieved of the duty to register may petition the court to be exempted from any community notification requirements that the person may be subject to fifteen years after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction, if the person has spent the time in the community without being convicted of a disqualifying offense.  
  
(3) A petition for relief from registration or exemption from notification under this section shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in the county where the person is registered at the time the petition is sought. The prosecuting attorney of the county shall be named and served as the respondent in any such petition.  
  
(4)(a) The court may relieve a petitioner of the duty to register only if the petitioner shows by clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.  
  
(b) In determining whether the petitioner is sufficiently rehabilitated to warrant removal from the registry, the following factors are provided as guidance to assist the court in making its determination:  
  
(i) The nature of the registrable offense committed including the number of victims and the length of the offense history;  
  
(ii) Any subsequent criminal history;  
  
(iii) The petitioner's compliance with supervision requirements;  
  
(iv) The length of time since the charged incident(s) occurred;  
  
(v) Any input from community corrections officers, law enforcement, or treatment providers;  
  
(vi) Participation in sex offender treatment;  
  
(vii) Participation in other treatment and rehabilitative programs;  
  
(viii) The offender's stability in employment and housing;  
  
(ix) The offender's community and personal support system;  
  
(x) Any risk assessments or evaluations prepared by a qualified professional;  
  
(xi) Any updated polygraph examination;  
  
(xii) Any input of the victim;  
  
(xiii) Any other factors the court may consider relevant.  
  
(5)(a) A person who has been convicted of an aggravated offense, or has been convicted of one or more prior sexually violent offenses or criminal offenses against a victim who is a minor, as defined in (b) of this subsection:  
  
(i) Until July 1, 2012, may not be relieved of the duty to register;  
  
(ii) After July 1, 2012, may petition the court to be relieved of the duty to register as provided in this section;  
  
(iii) This provision shall apply to convictions for crimes committed on or after July 22, 2001.  
  
(b) Unless the context clearly requires otherwise, the following definitions apply only to the federal lifetime registration requirements under this subsection:  
  
(i) "Aggravated offense" means an adult conviction that meets the definition of 18 U.S.C. Sec. 2241, which is limited to the following:  
  
(A) Any sex offense involving sexual intercourse or sexual contact where the victim is under twelve years of age;  
  
(B) RCW [9A.44.040](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.040) (rape in the first degree), RCW [9A.44.073](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.073) (rape of a child in the first degree), or RCW [9A.44.083](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.083) (child molestation in the first degree);  
  
(C) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct: RCW [9A.44.050](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.050) (rape in the second degree), RCW [9A.44.100](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.100) (indecent liberties), RCW [9A.44.160](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.160) (custodial sexual misconduct in the first degree), RCW [9A.64.020](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.64.020) (incest), or RCW [9.68A.040](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.040) (sexual exploitation of a minor);  
  
(D) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct, if the victim is twelve years of age or over but under sixteen years of age and the offender is eighteen years of age or over and is more than forty-eight months older than the victim: RCW [9A.44.076](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.076) (rape of a child in the second degree), RCW [9A.44.079](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.079) (rape of a child in the third degree), RCW [9A.44.086](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.086) (child molestation in the second degree), or RCW [9A.44.089](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.089) (child molestation in the third degree);  
  
(E) A felony with a finding of sexual motivation under RCW [9.94A.835](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.835) where the victim is under twelve years of age or that is committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct;  
  
(F) An offense that is, under chapter [9A.28](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.28) RCW, an attempt or solicitation to commit such an offense; or  
  
(G) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(i)(A) through (F) of this subsection.  
  
(ii) "Sexually violent offense" means an adult conviction that meets the definition of 42 U.S.C. Sec. 14071(a)(1)(A), which is limited to the following:  
  
(A) An aggravated offense;  
  
(B) An offense that is not an aggravated offense but meets the definition of 18 U.S.C. Sec. 2242, which is limited to RCW [9A.44.050](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.050)(1) (b) through (f) (rape in the second degree) and RCW [9A.44.100](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.100)(1) (b) through (f) (indecent liberties);  
  
(C) A felony with a finding of sexual motivation under RCW [9.94A.835](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.835) where the victim is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, the conduct;  
  
(D) An offense that is, under chapter [9A.28](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.28) RCW, an attempt or solicitation to commit such an offense; or  
  
(E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(ii)(A) through (D) of this subsection.  
  
(iii) "Criminal offense against a victim who is a minor" means, in addition to any aggravated offense or sexually violent offense where the victim was under eighteen years of age, an adult conviction for the following offenses where the victim is under eighteen years of age:  
  
(A) RCW [9A.44.060](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.060) (rape in the third degree), RCW [9A.44.076](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.076) (rape of a child in the second degree), RCW [9A.44.079](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.079) (rape of a child in the third degree), RCW [9A.44.086](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.086) (child molestation in the second degree), RCW [9A.44.089](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.089) (child molestation in the third degree), RCW [9A.44.093](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.093) (sexual misconduct with a minor in the first degree), RCW [9A.44.096](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.096) (sexual misconduct with a minor in the second degree), RCW [9A.44.160](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.160) (custodial sexual misconduct in the first degree), RCW [9A.64.020](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.64.020) (incest), RCW [9.68A.040](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.040) (sexual exploitation of a minor), RCW [9.68A.090](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.090) (communication with a minor for immoral purposes), or RCW [9.68A.100](http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.100) (commercial sexual abuse of a minor);  
  
(B) RCW [9A.40.020](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.40.020) (kidnapping in the first degree), RCW [9A.40.030](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.40.030) (kidnapping in the second degree), or RCW [9A.40.040](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.40.040) (unlawful imprisonment), where the victim is a minor and the offender is not the minor's parent;  
  
(C) A felony with a finding of sexual motivation under RCW [9.94A.835](http://app.leg.wa.gov/RCW/default.aspx?cite=9.94A.835) where the victim is a minor;  
  
(D) An offense that is, under chapter [9A.28](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.28) RCW, an attempt or solicitation to commit such an offense; or  
  
(E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(iii)(A) through (D) of this subsection.

[2011 c 337 § 7; 2010 c 267 § 6.]

Notes:

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| **Application -- 2010 c 267:** See note following RCW [9A.44.128](http://app.leg.wa.gov/RCW/default.aspx?cite=9A.44.128). |