

WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS

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Serving the Law Enforcement Community and the Citizens of Washington



WASHINGTON STATE NOTICE OF DUTY TO REGISTER SEX OFFENDER & REGISTRATION REQUIREMENTS

(RCW 9A.44.130)

Updated 11.12.2015

WHO MUST REGISTER:

- Any adult or juvenile residing, attending school, working or otherwise specified in RCW 9A.44.130 in the State of Washington, whether or not they have a fixed address, who has been found to have committed or been convicted of, or found not guilty by reason of insanity under Chapter 10.77 RCW of any sex or kidnapping offense.
- Any individual who is, or who has been determined to be, a sexually violent predator according to chapter 71.09 RCW.
- Any individual with a tribal conviction that requires registering as a sex or kidnapping offender while residing in the reservation of conviction; or, if not required to register in the reservation of conviction, has committed an offense that under the laws of this state, would require them to register.
- Any individual with an out-of-state conviction that requires the offender to register in the state of conviction; or, if not required to register in the state of conviction, has committed an offense under the laws of this state, has committed would require them to register. This includes individuals with foreign, tribal and/or federal convictions.

WHAT MUST BE PROVIDED:

Offenders required to register must appear in person at the sheriff's office in their county of residence , or if not a Washington resident, the county of the person's school, employment or vocation or as otherwise required in 9A.44.130, and provide the following information:

- Name and any aliases used
- Complete and accurate residential address or if lacking a fixed resident where he or she plans to stay
- Date and place of birth
- Place of employment (school or vocation)
- Crime for which convicted, date and place of conviction
- Social security number
- Photograph
- Fingerprints

Offenders who lack a fixed residence must keep an accurate accounting of where he or she stays during the week and provide it to the county sheriff upon request.

The county sheriff will photograph and fingerprint all registered sex offenders and obtain a DNA sample of all registered sex offenders pursuant to RCW 43.43.754.

Providing false, incorrect, incomplete or inaccurate address information could result in criminal charges being filed against you. RCW 9A.44.132

All identifying information is forwarded to the Washington State Patrol for inclusion in a central registry.

SEX OFFENDERS IN CUSTODY:

Offenders who committed a sex offense on, or before or after February 28, 1990, and are in custody on or after July 28, 1991 for that offense, must register with the incarcerating agency prior to their release, and must register within three (3) business days from the time of release with the county sheriff in the county of their residence or if the person is not a resident of Washington state, the county of that person's school or place of employment.

SEX OFFENDERS APPROVED FOR PARTIAL CONFINEMENT:

Offenders in the custody of the state department of corrections or a local corrections or probations agency and have been approved for partial confinement as defined in RCW 9.94A.030 must register at the time of transfer to partial confinement with the official designated by the agency that has jurisdiction over the offender. The agency shall, within three (3) days, forward the registration information to the county sheriff for the county in which the offender is in partial confinement. The offender must also register within three (3) business days from the time of the termination of partial confinement or release from confinement with the county sheriff for the county of the person's residence.

The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register.

SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION:

Offenders who are under the jurisdiction of the indeterminate review board or under active supervision by the Department of Corrections, the Department of Social and Health Services or a local division of youth services must register within ten (10) days of July 28, 1991. A change in supervision status of a sex offender in this subsection shall not relieve the offender of the duty to register or to reregister following a change in residence.

If the offender is under the jurisdiction of an agency of this state when the offender moves to Washington State, the agency shall provide notice to the offender of the duty to register

SEX OFFENDERS UNDER FEDERAL JURISDICTION:

Offenders who were in federal custody on or after July 23, 1995, on a sex offense committed before, on, or after February 28, 1990 must register within three (3) business days from the time of release with the county sheriff in the county of their residence, or if not a resident of Washington state, the county of the person's school or place of employment.

SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED:

Offenders who were convicted of a sex offense committed on or after February 28, 1990, but who were not sentenced to serve a term of confinement immediately following sentencing, must report to the county sheriff to register within three (3) business days of being sentenced.

OFFENDERS WHO ARE NEW RESIDENTS, TEMPORARY RESIDENTS OR RETURNING WASHINGTON STATE RESIDENTS:

Sex offenders or kidnapping offenders who move to Washington state from another state or foreign country, must register within three (3) business days of establishing residence or re-establishing residence if a former Washington State resident.

The duty to register under this requirement applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington State law for offenses committed before, on or after February 28, 1990.

These out-of-state offenders are defined as sex offenders and it includes any federal, tribal or 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 Washington would be classified as a sex offense requiring registration.

However, if a court or other administrative authority in the person's state or reservation of conviction has made an individualized determination that the person should not be required to register, that person is not required to register in Washington.

SEX OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY:

Offenders who were found not guilty of a sex offense by reason of insanity and were still in the custody of the Washington State Department of Social and Health Services on or after July 23, 1995, as a result of that finding, must register within three (3) business days from the time of release or receiving notice of registration requirements with the county sheriff in the county of their residence.

OFFENDERS WHO LACK A FIXED RESIDENCE:

Offenders who meet the qualifications for registration and lack a fixed residence, must register where they plan to stay with the sheriff in the county of the occupancy within three (3) business days of release or moving to a new county or within three (3) business days after ceasing to have a fixed residence. If offenders enter a different county and stay for more than 24 hours, they must register in that county. They must also report in person to the sheriff of the county where they are registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and will occur during normal business hours. The person must keep an accurate accounting of where he or she stays during the week including details such as the make, model, year and plate number of any vehicle(s) they may be driving and living out of as well as the address and/or description of where they are parking such vehicle. If they are "camping" they must provide a description of the location they are staying; which park, bridge, backyard, riverbank, etc. All of this information must be provided to the county sheriff upon request. The lack of a fixed address also makes an offender subject to disclosure to the public at large.

OFFENDERS WHO ARE MOVING TO A NEW ADDRESS:

Sex offenders, who move to a new address within the same county, must provide, by certified mail with return receipt requested or provide in person a signed written notice of the change of address to the county sheriff within three (3) business days of moving. If they move to a new county, they must register with that county sheriff within three (3) business days of moving. Registered offenders must also provide by certified mail with a return receipt requested, or in person, written notice within three (3) business days of the change of address in the new county to the county sheriff with whom they were last registered. If they move out of Washington State, they must also send written notice within three (3) business days of moving to the new state or foreign country to the county sheriff with whom they were last registered.

THE COUNTY SHERIFF WITH WHOM THE OFFENDER LAST REGISTERED IS RESPONSIBLE FOR ADDRESS VERIFICATION UNTIL THE OFFENDER COMPLETES REGISTRATION OF HIS/HER NEW RESIDENCE ADDRESS (RCW 9A.44.135)

OFFENDERS ATTENDING SCHOOLS BELOW COLLEGE LEVEL:

Offenders who must register and are attending or planning to attend public or private schools regulated under title 28A RCW or Chapter 72.40 RCW must register within three (3) business days prior to arriving at the school to attend classes, with the county sheriff. Any offender required to register who was enrolled on September 1, 2006, must notify the county sheriff immediately. **Offender must also notify the county sheriff immediately when they are no longer attending school or change schools.** The sheriff must promptly notify the school principal of any registered sex offenders attending the school.

OFFENDER WHO ENROLL IN AN INSTITUTION OF HIGHER LEARNING:

Offenders who must register and are admitted to a public or private institution of higher education, must notify the sheriff of their residence of their intent to attend the institution, within three (3) business days prior to arriving to attend classes. **Offender must also notify the county sheriff immediately when they are no longer attending school or change schools.** Any offender required to register who was enrolled on September 1, 2006, must notify the county sheriff immediately.

OFFENDERS WHO GAIN OR TERMINATE EMPLOYMENT AT A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION:

Offenders who must register and are employed or gain employment at a public or private institution of higher education, shall notify the sheriff in the county of their residence immediately if currently employed, or within 3 business days prior to accepting employment. If an offender does not reside in Washington, then he/she is to notify the sheriff of the county where the institution is located. When no longer employed by a public or private institution of higher education, the offender shall within three (3) working days of termination, notify the sheriff of the county of residence or the sheriff of the county where the institution is located of his/her termination at that institute.

OFFENDERS WHO RESIDE OUTSIDE OF THE STATE OF WASHINGTON AND WORK OR ATTEND SCHOOL IN THE STATE OF WASHINGTON:

Offenders who meet the qualifications for registration and either work or attend school in Washington State, must register with the county sheriff in the county in which they work or attend school regardless of the state of residence.

OFFENDERS RESIDE, WORK OR ATTEND SCHOOL OUTSIDE THE STATE OF WASHINGTON:

Offenders must comply with the registration requirements of the state or jurisdiction in which they reside, work, or attend school. If their residence, employment and/or school are in different states or jurisdictions, they must register with all states or jurisdictions.

If an offender is employed in a job that has them traveling across state and/or county lines (long haul truck drivers, carnival workers, etc.), they must communicate with the sheriff's office in the county they are registered in each time and let them know when they are leaving the state and/or county on business, where they will be traveling to and when they expect to return. They must be able to provide an itinerary of their travels upon request. If they are crossing county and/or state lines they must check in with the county sheriff's office of that state or county if they are there for longer than 24 hours.

OFFENDERS WHO INTEND TO VISIT WASHINGTON STATE FOR 10 DAYS OR MORE:

Offenders who are visiting Washington State and intend to reside or be present in the state for ten days or more shall register his or her temporary address or where he or she plans to stay with the county sheriff of each county where the offender will be staying within three (3) business days of arrival. Registration for temporary residents shall include the information required by RCW 9A.44.130 subsection (2)(a), except the photograph and fingerprints.

OFFENDERS WHO INTEND TO TRAVEL OUTSIDE THE UNITED STATES

Offenders who intend to travel outside the United States must provide, by certified mail, with return receipt requested, or in person, signed written notice of the plan to travel outside the country to the county sheriff of the county with whom the person is registered at least twenty-one (21) days prior to travel. The notice shall include the following information: (a) name (b) passport number and country (c) destination (d) itinerary details including departure and return dates (e) means of travel and, (f) purpose of travel.

If the offender subsequently cancels or postpones travel outside the United States, the offender must notify the county sheriff not later than three (3) days after cancellation or postponement of the intended travel outside the United States or on the departure date provided in the notification, whichever is earlier. The county sheriff shall notify the United States marshals service as soon as practicable after receipt of the notification. In cases of unexpected travel due to family or work emergencies, or for offenders who travel routinely across international borders for work-related purposes, the notice must be submitted in person at least twenty-four hours prior to travel to the sheriff of the county where such offenders are registered with a written explanation of the circumstances that make compliance with this requirement impracticable. (RCW 9A.44.130)

OFFENDERS WHO APPLY TO CHANGE THEIR NAME UNDER RCW 4.24.130:

Offenders who must meet the requirements of registration and who apply to change their name under RCW 4.24.130 or any other law, must submit a copy of the application to the sheriff's office, of the county of their residence, and to the Washington State Patrol no fewer than five (5) days before the entry of the order granting the name change. If they receive an order changing their name, they must submit a copy of the order to the county sheriff of the county of their residence and to the Washington State Patrol within three (3) days of the entry of the order.

PENALTIES FOR FAILURE TO REGISTER:

If offenders who must register knowingly fail to register, if they move without notifying the county sheriff, or if they change their name without notifying the county sheriff and the Washington State Patrol, they are guilty of a Class C felony if the crime for which they were convicted was a felony; or a federal, military, tribal, foreign country, or out-of-state conviction

for an offense that would be a felony in Washington State, in another state or pursuant to federal law. A third conviction for FTR is a Class B felony. Additionally, a first conviction for FTR receives 12 months community custody while a second and subsequent get 36 months.(Note: because of a drafting error in 2010 legislation, out of state convictions for FTR do not count when determining increased penalties for FTR). If the crime was other than a felony, etc., failure to register or to notify the county sheriff of a move or name change is a gross misdemeanor. Additionally, gross misdemeanor FTR and first felony conviction of FTR are NOT a sex offenses requiring independent registration requirement.

Failure to provide a DNA sample does not constitute failure to register. (RCW 9A.44.132 (4))

LENGTH OF REGISTRATION:

How long registered offenders must continue to register depends upon the offense for which they were convicted and is detailed in RCW 9A.44.140. Below is a summary of that RCW. VERIFY all information in the full document. ***You should not assume your registration period has ended*** unless you have received or obtained one of the following:

- A written letter from the sheriff's office that indicates you no longer are required to register; or
- A court order specifically stating that you are relieved of the duty to register.

**** If you are on supervision with the Department of Corrections or the Juvenile Rehabilitation Administration, you must still register after the end of your supervision period. DOC or JRA supervision is not the same as sex offender registration.****

(a) If an offender has been determined to be a **sexually violent predator** as defined in RCW 71.09.020, or have been convicted of a sex offense or kidnapping offense that is a Class A felony, which was committed with forcible compulsion on or after 6/8/00, duty to register shall continue for the person's lifetime. After March 2002 additional categories were added to the list of those sex and kidnapping offenses that must register for life. (RCW 9A.44.140).

(b) If the offense was a **Class A felony**, (or an offense listed in RCW 9A.44.140, Subsection 5), or if the offender was convicted of any sex offense or kidnapping offense and has one or more prior convictions for a sex offense or kidnapping offense, the length of registration is lifetime. Offenders may petition the court of conviction for relief of duty if they have spent ten consecutive years in the community without being convicted of disqualifying offense and 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. To be relieved of the duty to register, offenders must petition the superior court of the county in which they were convicted (or, in the case of foreign, federal, tribal, out-of-state or military convictions, to the court in the county where the person is registered at the time the

petition is sought).

(c) If the offense was a **Class B felony**, (and the current offense is not listed in RCW 9A.44.140, Subsection 5), and the offender does not have one or more prior convictions for a sex offense or kidnapping offense, they may only be relieved of the duty to register fifteen years after the date of release from confinement, if they have spent fifteen consecutive years in the community without being convicted of a disqualifying offense. This action may be initiated by offender request or by the sheriff's office.

(d) If the offense was a **Class C felony**, (and the current offense is not listed in RCW 9A.11.140, Subsection 5), a violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to commit a Class C felony, and the offender does not have one or more prior convictions for a sex offense or kidnapping offense, they may be relieved of the duty to register ten years after their last release from confinement if they have spent ten consecutive years in the community without being convicted of a disqualifying offense. This action may be initiated by offender request or by the sheriff's office.

(e) If the person is required to register for **federal, tribal, military, or out-of-state offenses**, and the person has spent fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period the offender may petition the court in the county they reside and register in; or, if a court or other administrative authority in the person's state of conviction has made an individualized determination that the person is not required to register.

RELIEF OF REGISTRATION:

The criteria for a judge to use in making this determination are included in the statute. RCW 9A.44.142

Note: If a person is relieved of the duty to register, the relief of registration does not constitute a certificate of rehabilitation, or the equivalent of a certificate of rehabilitation, for the purposes of restoration of firearms possession under RCW 9.41.040.

DISQUALIFYING OFFENSES:

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(5) and 9.94A.411(2)(a); an offense with a domestic violence designation as provided in RCW 10.99.020; permitting the commercial sexual abuse of a minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88 RCW.

RELIEF OF REGISTRATION BY OPERATION OF LAW AS DETERMINED BY LAW ENFORCEMENT:

If you believe your time to register has ended, you must contact the Sheriff's Office in the county of your registration and request a relief of duty. Upon request the county sheriff shall

investigate whether the offenders duty to register has ended by operation of law pursuant to RCW 9A.44.140. The sheriff shall use available records to verify the offender has spent the requisite time in the community and has not been convicted of a disqualifying offense. If the sheriff determines the offenders duty to register has ended they shall request the WSP to remove the name from the registry. A sheriff may also conduct such an investigation upon her or his own initiative. Immunity is provided for requesting removal or failure to remove or request removal. **Do not stop registering until you have received an official letter from the Sheriff's Office informing you that you have been removed from the registry and that you may stop registering.**

JUVENILE OFFENDERS WHO WISH TO BE RELIEVED OF THE DUTY TO REGISTER:

When the sex offense is a Class A Felony and was committed when the juvenile was age 15 or older (and if the offender has not been determined to be a sexually violent predator under RCW 71.09): may petition the court for relief of duty if the court in the county where the petitioner was convicted (or, for convictions in other states, a foreign country, or in federal or military court, to the court in the county in which the juvenile is registered at the time a petition is sought) IF:

- At least 60 months have passed since the offender's adjudication and completion of any term of confinement for the offense;
- The petitioner has not been adjudicated or convicted of any additional sex or kidnapping offenses;
- The offender has not had any Failure to Register convictions during the 60 months prior to filing the petition and can show 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. (RCW 9A.44.143(3))

When the Sex offense is a Class A Felony and was committed when the juvenile was age 14 or under (and if the offender has not been determined to be a sexually violent predator under RCW 71.09):

May petition the court for relief of duty if:

- At least 24 months have passed since the offenders adjudication and completion of any term of confinement for the offense;
- The petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses;

- Has not had any Failure to Register convictions during the 24 months prior to filing the petition, and
- Can show 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. RCW 9A.44.143(3).

**** The above does not apply to juvenile offenders who were convicted as adults of a sex or kidnapping offense.****

CRIMINAL TRESPASS AGAINST CHILDREN: RCW 9A.44.196.

If you are ranked as a Level II or Level III offender and have been convicted of certain underlying sex offenses, you may be ordered in writing to stay out of public or private facilities whose primary purpose, at any time, is to provide education, care, or recreation of a child or children, including but not limited to community and recreational centers, playgrounds, schools, swimming pools and state or municipal parks. Failure to comply with any such order could result in prosecution for a Class C felony – Criminal Trespass Against a Child.

OBLIGATION TO COMPLY WITH REGISTRATION REQUIREMENTS:

Clarification or amendment of RCW 9A.44.130 does not relieve sex offenders of the obligation to comply with the registration requirements as the statute existed before July 28, 1991. It is a criminal offense to fail to register or fail to notify the sheriff of a change of address unless relieved of the registration requirement.

NOTE: CHILDREN IN THE CARE OR CUSTODY OF A REGISTERED SEX OFFENDER:

Under RCW 9A.42.110, it is a misdemeanor offense to knowingly leave a child who is under the age of 18 in the care or custody of a person who must register as a sex offender due to committing a sex offense against a child, unless there exists written documents from a court of law, allowing the offender to have unsupervised contact with children, and/or a family reunification plan approved by the court, the Department of Corrections, or the Department of Social and Health Services.

ADDITIONAL NOTES:

DNA: All registered sex offenders in the State of Washington are also required to provide a DNA sample pursuant to RCW 43.43.754.

All Level 1 and Non rated offenders must have their addresses verified annually either by certified mail or in person at their place of residence by law enforcement.

All Level 2 offenders: Law enforcement must verify the registered addresses for all Level 2 offenders in person, at the registered address at least every 6 months.

All Level 3 offenders: Law enforcement must verify the registered addresses for all Level 3 offenders in person, at the registered address as least every 90 days.

****Offenders occasionally may be required to report in person to the sheriff's office in the county in which they're registered to update their photo.****

TRAVEL: If an offender is leaving the county for longer than 3 business days whether they are on vacation, work related travel, etc., they must notify the County RSO office of their date of departure, destination and date of return prior to leaving the county. If the RSO is going to be in a different State or County for longer than 3 business days, they must also notify the State and/or County of destination of their itinerary. If they are under DOC Supervision and have a travel permit, they must provide a copy of the travel permit to County RSO office prior to leaving the county. RCW 9A.44.130