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HOUSE BILL 1097

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Appleton and Roberts

Read first time 01/12/11. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to the relief from the duty to register for sex  
2 offenses committed when the offender was a juvenile; and amending RCW  
3 9A.44.140, 9A.44.141, and 9A.44.145.

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

5 **Sec. 1.** RCW 9A.44.140 and 2010 c 267 s 4 are each amended to read  
6 as follows:

7 The duty to register under RCW 9A.44.130 shall continue for the  
8 duration provided in this section.

9 (1) For a person convicted in this state of a class A felony or an  
10 offense listed in RCW 9A.44.142(5), or a person convicted in this state  
11 of any sex offense or kidnapping offense who has one or more prior  
12 convictions for a sex offense or kidnapping offense, the duty to  
13 register shall continue indefinitely.

14 (2)(a) For a person convicted in this state of a class B felony  
15 committed when the person was eighteen years of age or older who does  
16 not have one or more prior convictions for a sex offense or kidnapping  
17 offense and whose current offense is not listed in RCW 9A.44.142(5),  
18 the duty to register shall end fifteen years after the last date of  
19 release from confinement, if any, (including full-time residential

1 treatment) pursuant to the conviction, or entry of the judgment and  
2 sentence, if the person has spent fifteen consecutive years in the  
3 community without being convicted of a disqualifying offense during  
4 that time period.

5 (b) For a person convicted of a class B felony committed when the  
6 person was under the age of eighteen years, the duty to register shall  
7 end five years after the last date of release from confinement, if any,  
8 including full-time residential treatment, pursuant to the conviction,  
9 or entry of the judgment and sentence, if the person has spent three  
10 consecutive years in the community without being convicted of any new  
11 criminal offense during that time period.

12 (3)(a) For a person convicted in this state of a class C felony, a  
13 violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation,  
14 or conspiracy to commit a class C felony, and the person does not have  
15 one or more prior convictions for a sex offense or kidnapping offense  
16 and the person's current offense is not listed in RCW 9A.44.142(5), the  
17 duty to register shall end ten years after the last date of release  
18 from confinement, if any, (including full-time residential treatment)  
19 pursuant to the conviction, or entry of the judgment and sentence, if  
20 the person has spent ten consecutive years in the community without  
21 being convicted of a disqualifying offense during that time period.

22 (b) For a person convicted of a class C felony or an attempt,  
23 solicitation, or conspiracy to commit a class C felony, or a gross  
24 misdemeanor committed when the person was under the age of eighteen  
25 years, the duty to register shall end three years after the last date  
26 of release from confinement, if any, including full-time residential  
27 treatment, pursuant to the conviction, or entry of the judgment and  
28 sentence, if the person has spent two consecutive years in the  
29 community without being convicted of any new criminal offense during  
30 that time period.

31 (4) For a person required to register for a federal or out-of-state  
32 conviction for an offense that was committed when the person was  
33 eighteen years of age or older, the duty to register shall continue  
34 indefinitely.

35 (5) Nothing in this section prevents a person from being relieved  
36 of the duty to register under RCW 9A.44.142 and 9A.44.143.

37 (6) Nothing in RCW 9.94A.637 relating to discharge of an offender

1 shall be construed as operating to relieve the offender of his or her  
2 duty to register pursuant to RCW 9A.44.130.

3 (7) For purposes of determining whether a person has been convicted  
4 of more than one sex offense, failure to register as a sex offender or  
5 kidnapping offender is not a sex or kidnapping offense.

6 (8) The provisions of this section and RCW 9A.44.141 through  
7 9A.44.143 apply equally to a person who has been found not guilty by  
8 reason of insanity under chapter 10.77 RCW of a sex offense or  
9 kidnapping offense.

10 **Sec. 2.** RCW 9A.44.141 and 2010 c 267 s 5 are each amended to read  
11 as follows:

12 (1) Upon the request of a person who is listed in the Washington  
13 state patrol central registry of sex offenders and kidnapping  
14 offenders, the county sheriff shall investigate whether a person's duty  
15 to register has ended by operation of law pursuant to RCW 9A.44.140.

16 (a) Using available records, the county sheriff shall, within  
17 thirty days of receiving the request by the person who is listed in the  
18 Washington state patrol central registry of sex offenders and  
19 kidnapping offenders, verify that the offender has spent the requisite  
20 time in the community and has not been convicted of a disqualifying  
21 offense.

22 (b) If the county sheriff determines the person's duty to register  
23 has ended by operation of law, the county sheriff shall request the  
24 Washington state patrol remove the person's name from the central  
25 registry.

26 (c) If the Washington state patrol has not removed the person's  
27 name from the central registry of sex offenders within thirty days of  
28 the request of the county sheriff, the person requesting the removal  
29 may petition the court for an order for removal.

30 (2) Nothing in this subsection prevents a county sheriff from  
31 investigating, upon his or her own initiative, whether a person's duty  
32 to register has ended by operation of law pursuant to RCW 9A.44.140.

33 (3) An appointed or elected public official, public employee, or  
34 public agency as defined in RCW 4.24.470, or units of local government  
35 and its employees, as provided in RCW 36.28A.010, are immune from civil  
36 liability for damages for removing or requesting the removal of a

1 person from the central registry of sex offenders and kidnapping  
2 offenders or the failure to remove or request removal of a person  
3 within the time frames provided in RCW 9A.44.140.

4 **Sec. 3.** RCW 9A.44.145 and 2010 c 267 s 8 are each amended to read  
5 as follows:

6 (1) The state patrol shall notify:

7 (a) Registered sex and kidnapping offenders of any change to the  
8 registration requirements; and

9 (b) No less than annually, an offender having a duty to register  
10 under RCW 9A.44.143 for a sex offense or kidnapping offense committed  
11 when the offender was a juvenile of their ability to petition for  
12 relief from registration and the requirements for relief from  
13 registration as a matter of law, as provided in RCW 9A.44.140.

14 (2) For economic efficiency, the state patrol may combine the  
15 notices in this section into one notice.

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