

# WASHINGTON SEX-OFFENDER REGISTRATION AND NOTIFICATION

## CONTACT INFORMATION

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## NUMBER OF REGISTERED SEX OFFENDERS

17,448 as of March 26, 2003.

### **1. WHO IS REQUIRED TO REGISTER?**

Any adult or juvenile living, working, carrying on a vocation, or going to school in Washington 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 of committing any sex offense or kidnapping offense, must register.

*(Wash. Rev. Code Ann. § 9A.44.130(1))*

### **2. WHAT DOES “SEX OFFENSE” MEAN?**

“Sex offense” means:

- (1) a felony violation of the following offenses:
  - (a) rape;
  - (b) rape of a minor;
  - (c) child molestation;
  - (d) sexual misconduct with a minor;
  - (e) indecent liberties;
  - (f) sexually violating human remains;
  - (g) voyeurism;
  - (h) custodial sexual misconduct;
  - (i) sexual exploitation of a minor;
  - (j) dealing in depictions of a minor engaged in sexually explicit conduct;
  - (k) sending or bringing into Washington depictions of a minor engaged in sexually explicit conduct;
  - (l) communication with a minor for immoral purposes;
  - (m) patronizing a juvenile prostitute; or
  - (n) allowing a minor on the premises of a live erotic performance;
- (2) incest;
- (3) a felony that is a criminal attempt, solicitation, or conspiracy to commit an offense listed in (1) and (2) above;
- (4) any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense listed in (1) through (3) above;
- (5) a felony with a finding of sexual motivation;
- (6) any federal or out-of-state conviction for an offense that, under the laws of Washington, would be a felony classified as a sex offense listed in (1) through (3) above; or
- (7) any gross misdemeanor that is a criminal attempt, solicitation, or conspiracy to commit a sex offense.

*(Wash. Rev. Code Ann. § 9A.44.130(9)(a))*

### **3. WHAT DOES “KIDNAPPING OFFENSE” MEAN?**

“Kidnapping offense” means:

- (1) kidnapping in the first or second degree, if the victim is a minor and the offender is not the minor’s parent;
- (2) unlawful imprisonment, if the victim is a minor and the offender is not the minor’s parent;
- (3) a criminal attempt, solicitation, or conspiracy to commit a kidnapping offense; or
- (4) any federal or out-of-state conviction for an offense that, under the laws of Washington, would be classified as a kidnapping offense.

*(Wash. Rev. Code Ann. § 9A.44.130(9)(b))*

### **4. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?**

A juvenile who lives, works, carries on a vocation, or goes to school in Washington and 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 of committing any sex offense or kidnapping offense, must register.

*(Wash. Rev. Code Ann. § 9A.44.130(1))*

### **5. WHEN AND WHERE DOES AN OFFENDER REGISTER?**

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 Department of Corrections, the Department of Social and Health Services, a local Division of Youth Services, or a local jail or juvenile-detention facility, and kidnapping offenders who on or after July 27, 1997, are in similar custody must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(i))*

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 Correction’s active supervision, the 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 10 days of July 28, 1991.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(ii))*

Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the Indeterminate Sentence Review Board or the Department of Correction’s active supervision, the 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 10 days of July 27, 1997.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(ii))*

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 U.S. 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 24 hours from the time of release with the county sheriff for the county of his or her residence, or if he or she is not a resident of Washington, the county of his or her school or place of employment or vocation.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(iii))*

Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the U.S. Bureau of Prisons, U.S. courts, U.S. Parole Commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within 10 days of July 23, 1995.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(iii))*

Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the U.S. Bureau of Prisons, U.S. courts, U.S. Parole Commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within 10 days of July 27, 1997.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(iii))*

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, must report to the county sheriff to register immediately upon sentencing.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(iv))*

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, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the Department of Social and Health Services, or of 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 Department of Social and Health Services, must register within 24 hours from the time of release with the county sheriff for the county of his or her residence.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(vi))*

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, is required to register within 24 hours of receiving notice of the registration requirement.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(v))*

A sex offender or kidnapping offender who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains in a new county for 24 hours is required to register with the county sheriff no more than 24 hours after entering the county.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(vii))*

A sex offender or kidnapping offender who lacks a fixed residence and who is under the supervision must register in the county of his or her supervision.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(viii))*

Any adult or juvenile who is admitted to a public or private institution of higher education must, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of his or her residence of his or her intent to attend the institution.

*(Wash. Rev. Code Ann. § 9A.44.130(1))*

## **6. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?**

When registering, an offender must provide the following information about him- or herself:

- (1) name and any aliases used;
- (2) address;
- (3) date and place of birth;

- (4) place of employment;
- (5) offense for which he or she was convicted;
- (6) date and place of conviction;
- (7) social-security number;
- (8) photograph; and
- (9) fingerprints.

*(Wash. Rev. Code Ann. § 9A.44.130(3)(a))*

**7. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?**

If an offender who is required to register changes his or her residence address within the same county, he or she must send written notice of the change of address to the county sheriff within 72 hours of moving.

*(Wash. Rev. Code Ann. § 9A.44.130(5)(a))*

If an offender who is required to register moves to a new county, he or she must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence and must register with that county sheriff within 24 hours of moving. The offender must also send written notice within 10 days of the change of address in the new county to the county sheriff with whom he or she last registered. The county sheriff with whom the offender last registered must promptly forward the information concerning the change of address to the county sheriff for the county of the offender's new residence.

*(Wash. Rev. Code Ann. § 9A.44.130(5)(a))*

A sex offender who is required to register and who receives an order changing his or her name must submit a copy of the order to the county sheriff of the county of his or her residence and to the state patrol within five days of the entry of the order.

*(Wash. Rev. Code Ann. § 9A.44.130(7))*

**8. WHAT HAPPENS IF AN OFFENDER MOVES FROM WASHINGTON TO ANOTHER STATE?**

A sex offender or kidnapping offender who is required to register in Washington and who moves to another state, or who works, carries on a vocation, or attends school in another state must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, beginning work, carrying on a vocation, or attending school. The offender must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom he or she last registered in Washington.

*(Wash. Rev. Code Ann. § 9A.44.130(4)(a)(ix))*

Upon receipt of notice of change of address to a new state, the county sheriff must promptly forward the information regarding the change of address to the agency designated by the new state as the offender-registration agency.

*(Wash. Rev. Code Ann. § 9A.44.130(5)(a))*

**9. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO WASHINGTON REQUIRED TO REGISTER?**

Sex offenders and kidnapping offenders who move to Washington from another state or a foreign country who are not under the jurisdiction of the Department of Corrections, Indeterminate Sentence Review Board, or Department of Social and Health Services at the time of moving to Washington, must register within 30 days of establishing residence or reestablishing residence if the person is a former Washington resident. 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, Indeterminate Sentence Review Board, or Department of Social and Health Services must register within 24 hours of moving to Washington.

*(Wash. Rev. Code Ann. §§ 9A.44.130(1), (4)(a)(iii), (4)(a)(v))*

**10. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN WASHINGTON?**

An offender who lives in another state but works, carries on a vocation, or is a student in Washington must register with the county sheriff for the county of his or her school or place of work or vocation within 24 hours of beginning work, carrying on a vocation, or attending school.

*(Wash. Rev. Code Ann. §§ 9A.44.130(1), (4)(a)(iii))*

**11. IS REGISTRATION A LIFETIME REQUIREMENT?**

Registration is a lifetime requirement for:

- (1) sexually violent predators;
- (2) offenders convicted of a sexual offense or a kidnapping offense that is a Class A felony and that was committed with forcible compulsion on or after June 8, 2000; and
- (3) offenders convicted of one aggravated offense or more than one sexually violent offense if the offense was committed on or after March 12, 2002.

*(Wash. Rev. Code Ann. §§ 9A.44.140(3)(b), (5)(a))*

An offender convicted of a Class B felony who has no prior convictions for a sex offense or a kidnapping offense and whose current offense is not an aggravated offense must register for 15 years following release from confinement or entry of judgment.

*(Wash. Rev. Code Ann. § 9A.44.140(1)(b))*

An offender convicted of:

- (1) a Class C felony;
- (2) communicating with a minor for immoral purposes;
- (3) sexual misconduct with a minor in the second degree; or
- (4) an attempt, solicitation, or conspiracy to commit a Class C felony,

who has no prior convictions for a sex offense or kidnapping offense, and whose current offense is not an aggravated offense must register for 10 years following release from confinement or entry of judgment.

*(Wash. Rev. Code Ann. § 9A.44.140(1)(c))*

An offender may petition the superior court to be relieved of the duty to register if he or she has spent 10 consecutive years in the community without being convicted of any new offenses. A court, however, may not relieve the duty to register if the offender:

- (1) is a sexually violent predator;
- (2) was convicted 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
- (3) was convicted of an aggravated offense or more than one sexually violent offense committed on or after March 12, 2002.

*(Wash. Rev. Code Ann. § 9A.44.140(3))*

A juvenile offender may petition the superior court to be relieved of the duty to register. If the offender was under 15 at the time he or she committed the offense, if he or she has not been adjudicated of any additional sex offense or kidnapping offense during the 24 months following adjudication for the offense giving rise to the duty to register, and if he or she proves, by a preponderance of the evidence, that future registration does not further the purposes of the state legislation requiring registration, then he or she

may be relieved of the duty to register. If the offender was over 15 when he or she committed the offense, he or she must show clear and convincing evidence that the legislative purposes are not served by requiring further registration.

*(Wash. Rev. Code Ann. § 9A.44.140(4))*

**12. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?**

An offender who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol is guilty of a Class C felony if the offense for which the offender was convicted was a felony sex offense or kidnapping offense or a federal or out-of-state conviction for an offense that, under the laws of Washington, would be a felony sex offense or kidnapping offense. If the offense was other than a felony or a federal or out-of-state conviction for an offense that, under the laws of Washington, would be other than a felony, violation of registration requirements is a gross misdemeanor.

*(Wash. Rev. Code Ann. §§ 9A.44.130(10)-(11))*

**13. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?**

Public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding any offender:

- (1) adjudicated or convicted of a sex offense or a kidnapping offense;
- (2) under the jurisdiction of the Indeterminate Sentence Review Board as the result of a sex offense or kidnapping offense;
- (3) committed as a sexually violent predator or as a sexual psychopath;
- (4) found not guilty of a sex offense or kidnapping offense by reason of insanity; and
- (5) found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed.

*(Wash. Rev. Code Ann. § 4.24.550(1))*

The extent of the public disclosure of relevant and necessary information must be rationally related to:

- (1) the level of risk posed by the offender to the community;
- (2) the locations where the offender resides, expects to reside, or is regularly found; and
- (3) the needs of the affected community members for information to enhance their individual and collective safety.

*(Wash. Rev. Code Ann. § 4.24.550(2))*

Local law-enforcement agencies must consider the following guidelines in determining the extent of a public disclosure:

- (1) for offenders classified as Risk Level I (low risk to reoffend), the agency must share information with other appropriate law-enforcement agencies and may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found;
- (2) for offenders classified as Risk Level II (moderate risk to reoffend), the agency may also disclose relevant, necessary, and accurate information to public and private schools, child daycare centers, family daycare providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found;

- (3) for offenders classified as Risk Level III (high risk to reoffend), the agency may also disclose relevant, necessary, and accurate information to the public at large.

*(Wash. Rev. Code Ann. § 4.24.550(3))*

Since more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

*(Wash. Rev. Code Ann. § 4.24.550(3))*

The county sheriff with whom an offender classified as Risk Level III is registered must publish by legal notice, advertising, or news release a sex-offender community notification in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. The county sheriff must also publish a current list of Level III registered sex offenders twice a year.

*(Wash. Rev. Code Ann. § 4.24.550(4))*

**14. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?**

County-operated web sites are currently available. Please contact your local law-enforcement agency for information on what is available on the Internet.