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**HOUSE BILL 1394**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Senn and Goodman

1 AN ACT Relating to creating a developmentally appropriate  
2 response to youth who commit sexual offenses; amending RCW  
3 18.155.020, 9A.44.128, 9A.44.130, 9A.44.132, 9A.44.140, 13.40.162,  
4 and 9A.44.145; adding a new section to chapter 13.40 RCW; adding a  
5 new section to chapter 9A.44 RCW; creating a new section; prescribing  
6 penalties; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that successful  
9 rehabilitation of youth adjudicated of sex offenses is the best path  
10 to reducing recidivism.

11 (2) The legislature finds that researchers from the Johns Hopkins  
12 University and other academic institutions found that treatment for  
13 minors convicted of sexual offenses would provide increased public  
14 safety, while registration and notification policies for minors  
15 convicted of sexual offenses failed to improve community safety. The  
16 legislature finds that requiring youth to register as sex offenders  
17 is associated with mental health struggles, including depression,  
18 anxiety, and suicidal ideation, as well as the increased likelihood  
19 of becoming a target of sexual abuse by adults.

20 (3) The legislature finds that while adults can petition for  
21 relief of registration for offenses committed as minors, the legal

1 process is overly cumbersome, expensive, and challenging to the point  
2 that many never request removal and remain on the registry their  
3 entire lives. The legislature finds that Black, Hispanic, and  
4 American Indian individuals are overly represented in the population  
5 of registered juvenile sex offenders in Washington state.

6 (4) The legislature declares that the response to sex offenses  
7 committed by youth should be developmentally appropriate and driven  
8 by research. The legislature therefore intends to increase community  
9 safety by reforming juvenile sex offender registration policy and  
10 related areas to redirect the focus toward practices that increase  
11 prevention and promote successful intervention strategies.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40  
13 RCW to read as follows:

14 (1) Subject to the availability of amounts appropriated for this  
15 specific purpose, the department shall develop and implement a grant  
16 program that allows defense attorneys and counties to apply for  
17 funding for sex offender evaluation and treatment programs.

18 (2) Subject to the availability of amounts appropriated for this  
19 specific purpose, the department shall provide funding to counties  
20 for process mapping, site assessment, and training for additional sex  
21 offender treatment modalities such as multisystemic therapy-problem  
22 sexual behavior or problematic sexual behavior-cognitive behavioral  
23 therapy.

24 **Sec. 3.** RCW 18.155.020 and 2020 c 266 s 1 are each amended to  
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in  
27 this section apply throughout this chapter:

28 (1) "Advisory committee" means the sex offender treatment  
29 providers advisory committee established under RCW 18.155.100.

30 (2) "Certified sex offender treatment provider" means an  
31 individual who is a licensed psychologist, licensed marriage and  
32 family therapist, licensed social worker, licensed mental health  
33 counselor, licensed mental health counselor associate, licensed  
34 independent clinical social worker associate, licensed advanced  
35 social worker associate, licensed marriage and family therapist  
36 associate, or psychiatrist as defined in RCW 71.05.020, who is  
37 certified to examine and treat sex offenders pursuant to chapters

1 9.94A and 13.40 RCW and sexually violent predators under chapter  
2 71.09 RCW.

3 (3) "Certified affiliate sex offender treatment provider" means  
4 an individual who is a licensed psychologist, licensed marriage and  
5 family therapist, licensed social worker, licensed mental health  
6 counselor, licensed mental health counselor associate, licensed  
7 independent clinical social worker associate, licensed advanced  
8 social worker associate, licensed marriage and family therapist  
9 associate, or psychiatrist as defined in RCW 71.05.020, who is  
10 certified as an affiliate to examine and treat sex offenders pursuant  
11 to chapters 9.94A and 13.40 RCW and sexually violent predators under  
12 chapter 71.09 RCW under the supervision of a qualified supervisor.

13 (4) "Department" means the department of health.

14 (5) (a) "Qualified supervisor" means:

15 (i) A person who meets the requirements for certification as a  
16 sex offender treatment provider;

17 (ii) A person who meets a lifetime experience threshold of having  
18 provided at least two thousand hours of direct sex offender specific  
19 treatment and assessment services and who continues to maintain  
20 professional involvement in the field; or

21 (iii) A person who meets a lifetime experience threshold of at  
22 least two years of full-time work in a state-run facility or state-  
23 run treatment program providing direct sex offender specific  
24 treatment and assessment services and who continues to maintain  
25 professional involvement in the field.

26 (b) A qualified supervisor not credentialed by the department as  
27 a sex offender treatment provider must sign and submit to the  
28 department an attestation form provided by the department stating  
29 under penalty of perjury that the qualified supervisor has met the  
30 requisite education, training, or experience requirements and that  
31 the qualified supervisor is able to substantiate the qualified  
32 supervisor's claim to have met the requirements for education,  
33 training, or experience.

34 (6) "Secretary" means the secretary of health.

35 (7) "Sex offender treatment provider" or "affiliate sex offender  
36 treatment provider" means a person who counsels or treats sex  
37 offenders accused of or convicted of a sex offense as defined by RCW  
38 9.94A.030.

1       **Sec. 4.** RCW 9A.44.128 and 2015 c 261 s 2 are each amended to  
2 read as follows:

3       For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200,  
4 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

5       (1) "Business day" means any day other than Saturday, Sunday, or  
6 a legal local, state, or federal holiday.

7       (2) "Conviction" means any adult conviction or juvenile  
8 adjudication for a sex offense or kidnapping offense.

9       (3) "Disqualifying offense" means a conviction for: Any offense  
10 that is a felony; a sex offense as defined in this section; a crime  
11 against children or persons as defined in RCW 43.43.830(7) and  
12 9.94A.411(2)(a); an offense with a domestic violence designation as  
13 provided in RCW 10.99.020; permitting the commercial sexual abuse of  
14 a minor as defined in RCW 9.68A.103; or any violation of chapter  
15 9A.88 RCW.

16       (4) "Employed" or "carries on a vocation" means employment that  
17 is full time or part time for a period of time exceeding fourteen  
18 days, or for an aggregate period of time exceeding thirty days during  
19 any calendar year. A person is employed or carries on a vocation  
20 whether the person's employment is financially compensated,  
21 volunteered, or for the purpose of government or educational benefit.

22       (5) "Fixed residence" means a building that a person lawfully and  
23 habitually uses as living quarters a majority of the week. Uses as  
24 living quarters means to conduct activities consistent with the  
25 common understanding of residing, such as sleeping; eating; keeping  
26 personal belongings; receiving mail; and paying utilities, rent, or  
27 mortgage. A nonpermanent structure including, but not limited to, a  
28 motor home, travel trailer, camper, or boat may qualify as a  
29 residence provided it is lawfully and habitually used as living  
30 quarters a majority of the week, primarily kept at one location with  
31 a physical address, and the location it is kept at is either owned or  
32 rented by the person or used by the person with the permission of the  
33 owner or renter. A shelter program may qualify as a residence  
34 provided it is a shelter program designed to provide temporary living  
35 accommodations for the homeless, provides an offender with a  
36 personally assigned living space, and the offender is permitted to  
37 store belongings in the living space.

38       (6) "In the community" means residing outside of confinement or  
39 incarceration for a disqualifying offense.

1 (7) "Institution of higher education" means any public or private  
2 institution dedicated to postsecondary education, including any  
3 college, university, community college, trade, or professional  
4 school.

5 (8) "Kidnapping offense" means:

6 (a) The crimes of kidnapping in the first degree, kidnapping in  
7 the second degree, and unlawful imprisonment, as defined in chapter  
8 9A.40 RCW, where the victim is a minor and the offender is not the  
9 minor's parent;

10 (b) Any offense that is, under chapter 9A.28 RCW, a criminal  
11 attempt, criminal solicitation, or criminal conspiracy to commit an  
12 offense that is classified as a kidnapping offense under this  
13 subsection;

14 (c) Any federal or out-of-state conviction for: An offense for  
15 which the person would be required to register as a kidnapping  
16 offender if residing in the state of conviction; or, if not required  
17 to register in the state of conviction, an offense that under the  
18 laws of this state would be classified as a kidnapping offense under  
19 this subsection; and

20 (d) Any tribal conviction for an offense for which the person  
21 would be required to register as a kidnapping offender while residing  
22 in the reservation of conviction; or, if not required to register in  
23 the reservation of conviction, an offense that under the laws of this  
24 state would be classified as a kidnapping offense under this  
25 subsection.

26 (9) "Lacks a fixed residence" means the person does not have a  
27 living situation that meets the definition of a fixed residence and  
28 includes, but is not limited to, a shelter program designed to  
29 provide temporary living accommodations for the homeless, an outdoor  
30 sleeping location, or locations where the person does not have  
31 permission to stay.

32 (10) "Sex offense" means:

33 (a) Any offense defined as a sex offense by RCW 9.94A.030;

34 (b) Any violation under RCW 9A.44.096 (sexual misconduct with a  
35 minor in the second degree);

36 (c) Any violation under RCW 9A.40.100(1)(b)(ii) (trafficking);

37 (d) Any violation under RCW 9.68A.090 (communication with a minor  
38 for immoral purposes);

39 (e) A violation under RCW 9A.88.070 (promoting prostitution in  
40 the first degree) or RCW 9A.88.080 (promoting prostitution in the

1 second degree) if the person has a prior conviction for one of these  
2 offenses;

3 (f) Any violation under RCW 9A.40.100(1)(a)(i)(A) (III) or (IV)  
4 or (a)(i)(B);

5 (g) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
6 criminal attempt, criminal solicitation, or criminal conspiracy to  
7 commit an offense that is classified as a sex offense under RCW  
8 9.94A.030 or this subsection;

9 (h) Any out-of-state conviction for an offense for which the  
10 person would be required to register as a sex offender while residing  
11 in the state of conviction; or, if not required to register in the  
12 state of conviction, an offense that under the laws of this state  
13 would be classified as a sex offense under this subsection;

14 (i) Any federal conviction classified as a sex offense under 42  
15 U.S.C. Sec. 16911 (SORNA);

16 (j) Any military conviction for a sex offense. This includes sex  
17 offenses under the uniform code of military justice, as specified by  
18 the United States secretary of defense;

19 (k) Any conviction in a foreign country for a sex offense if it  
20 was obtained with sufficient safeguards for fundamental fairness and  
21 due process for the accused under guidelines or regulations  
22 established pursuant to 42 U.S.C. Sec. 16912;

23 (l) Any tribal conviction for an offense for which the person  
24 would be required to register as a sex offender while residing in the  
25 reservation of conviction; or, if not required to register in the  
26 reservation of conviction, an offense that under the laws of this  
27 state would be classified as a sex offense under this subsection.

28 (11) "School" means a public or private school regulated under  
29 Title 28A RCW or chapter 72.40 RCW.

30 (12) "Student" means a person who is enrolled, on a full-time or  
31 part-time basis, in any school or institution of higher education.

32 (13) "Adult" means a person who is 18 years of age or older on  
33 the offense date or who is convicted of and sentenced for an offense  
34 in adult court pursuant to RCW 13.04.030(1)(e)(v) or 13.40.110.

35 **Sec. 5.** RCW 9A.44.130 and 2017 c 174 s 3 are each amended to  
36 read as follows:

37 (1)(a) Any adult (~~or juvenile~~) residing whether or not the  
38 person has a fixed residence, or who is a student, is employed, or  
39 carries on a vocation in this state who has been found to have

1 committed or has been convicted of any sex offense or kidnapping  
2 offense, or who has been found not guilty by reason of insanity under  
3 chapter 10.77 RCW of committing any sex offense or kidnapping  
4 offense, shall register with the county sheriff for the county of the  
5 person's residence, or if the person is not a resident of Washington,  
6 the county of the person's school, or place of employment or  
7 vocation, or as otherwise specified in this section.

8 (b) Any person who is not an adult residing whether or not the  
9 person has a fixed residence, or who is a student, is employed, or  
10 carries on a vocation in this state shall register with the county  
11 sheriff for the county of the person's residence, or if the person is  
12 not a resident of Washington, the county of the person's school, or  
13 place of employment or vocation, or as otherwise specified in this  
14 section if the juvenile:

15 (i) Committed a class A or class B sex offense when the person  
16 was age 16 or 17 and did not receive a special sex offender  
17 disposition alternative under RCW 13.40.162;

18 (ii) Committed a sex offense and, on the offense date, the  
19 juvenile had a prior conviction for a sex offense as defined in RCW  
20 9A.44.128 or had a deferred disposition for a sex offense pursuant to  
21 RCW 13.40.127;

22 (iii) Has a special sex offender disposition alternative under  
23 RCW 13.40.162 revoked for a class A or class B sex offense that was  
24 committed when the person was age 16 or 17;

25 (iv) Has an out-of-state, tribal, or federal conviction; or

26 (v) Committed a kidnapping offense.

27 (c) When a person required to register under this section is in  
28 custody of the state department of corrections, the state department  
29 of social and health services, a local division of youth services, or  
30 a local jail or juvenile detention facility as a result of a sex  
31 offense or kidnapping offense, the person shall also register at the  
32 time of release from custody with an official designated by the  
33 agency that has jurisdiction over the person.

34 ~~((b))~~ (d) Any adult or juvenile who is required to register  
35 under ~~((a))~~ (b) of this subsection must give notice to the county  
36 sheriff of the county with whom the person is registered within three  
37 business days:

38 (i) Prior to arriving at a school or institution of higher  
39 education to attend classes;

1 (ii) Prior to starting work at an institution of higher  
2 education; or

3 (iii) After any termination of enrollment or employment at a  
4 school or institution of higher education.

5 (2)(a) A person required to register under this section must  
6 provide the following information when registering: (i) Name and any  
7 aliases used; (ii) complete and accurate residential address or, if  
8 the person lacks a fixed residence, where he or she plans to stay;  
9 (iii) date and place of birth; (iv) place of employment; (v) crime  
10 for which convicted; (vi) date and place of conviction; (vii) social  
11 security number; (viii) photograph; and (ix) fingerprints.

12 (b) A person may be required to update any of the information  
13 required in this subsection in conjunction with any address  
14 verification conducted by the county sheriff or as part of any notice  
15 required by this section.

16 (c) A photograph or copy of an individual's fingerprints, which  
17 may include palmprints may be taken at any time to update an  
18 individual's file.

19 (3) Any person required to register under this section who  
20 intends to travel outside the United States must provide, by  
21 certified mail, with return receipt requested, or in person, signed  
22 written notice of the plan to travel outside the country to the  
23 county sheriff of the county with whom the person is registered at  
24 least twenty-one days prior to travel. The notice shall include the  
25 following information: (a) Name; (b) passport number and country; (c)  
26 destination; (d) itinerary details including departure and return  
27 dates; (e) means of travel; and (f) purpose of travel. If the  
28 offender subsequently cancels or postpones travel outside the United  
29 States, the offender must notify the county sheriff not later than  
30 three days after cancellation or postponement of the intended travel  
31 outside the United States or on the departure date provided in the  
32 notification, whichever is earlier. The county sheriff shall notify  
33 the United States marshals service as soon as practicable after  
34 receipt of the notification. In cases of unexpected travel due to  
35 family or work emergencies, or for offenders who travel routinely  
36 across international borders for work-related purposes, the notice  
37 must be submitted in person at least twenty-four hours prior to  
38 travel to the sheriff of the county where such offenders are  
39 registered with a written explanation of the circumstances that make  
40 compliance with this subsection (3) impracticable.



1 (4) (a) Offenders shall register with the county sheriff within  
2 the following deadlines:

3 (i) OFFENDERS IN CUSTODY. Sex offenders or kidnapping offenders  
4 who are in custody of the state department of corrections, the state  
5 department of social and health services, a local division of youth  
6 services, or a local jail or juvenile detention facility, must  
7 register at the time of release from custody with an official  
8 designated by the agency that has jurisdiction over the offender. The  
9 agency shall within three days forward the registration information  
10 to the county sheriff for the county of the offender's anticipated  
11 residence. The offender must also register within three business days  
12 from the time of release with the county sheriff for the county of  
13 the person's residence, or if the person is not a resident of  
14 Washington, the county of the person's school, or place of employment  
15 or vocation. The agency that has jurisdiction over the offender shall  
16 provide notice to the offender of the duty to register.

17 When the agency with jurisdiction intends to release an offender  
18 with a duty to register under this section, and the agency has  
19 knowledge that the offender is eligible for developmental disability  
20 services from the department of social and health services, the  
21 agency shall notify the division of developmental disabilities of the  
22 release. Notice shall occur not more than thirty days before the  
23 offender is to be released. The agency and the division shall assist  
24 the offender in meeting the initial registration requirement under  
25 this section. Failure to provide such assistance shall not constitute  
26 a defense for any violation of this section.

27 When a person required to register under this section is in the  
28 custody of the state department of corrections or a local corrections  
29 or probations agency and has been approved for partial confinement as  
30 defined in RCW 9.94A.030, the person must register at the time of  
31 transfer to partial confinement with the official designated by the  
32 agency that has jurisdiction over the offender. The agency shall  
33 within three days forward the registration information to the county  
34 sheriff for the county in which the offender is in partial  
35 confinement. The offender must also register within three business  
36 days from the time of the termination of partial confinement or  
37 release from confinement with the county sheriff for the county of  
38 the person's residence. The agency that has jurisdiction over the  
39 offender shall provide notice to the offender of the duty to  
40 register.

1 (ii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders or  
2 kidnapping offenders who are in the custody of the United States  
3 bureau of prisons or other federal or military correctional agency  
4 must register within three business days from the time of release  
5 with the county sheriff for the county of the person's residence, or  
6 if the person is not a resident of Washington, the county of the  
7 person's school, or place of employment or vocation.

8 (iii) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
9 who are convicted of a sex offense and kidnapping offenders who are  
10 convicted for a kidnapping offense but who are not sentenced to serve  
11 a term of confinement immediately upon sentencing shall report to the  
12 county sheriff to register within three business days of being  
13 sentenced.

14 (iv) OFFENDERS WHO ARE NEW RESIDENTS, TEMPORARY RESIDENTS, OR  
15 RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping  
16 offenders who move to Washington state from another state or a  
17 foreign country must register within three business days of  
18 establishing residence or reestablishing residence if the person is a  
19 former Washington resident. If the offender is under the jurisdiction  
20 of an agency of this state when the offender moves to Washington, the  
21 agency shall provide notice to the offender of the duty to register.

22 Sex offenders and kidnapping offenders who are visiting  
23 Washington state and intend to reside or be present in the state for  
24 ten days or more shall register his or her temporary address or where  
25 he or she plans to stay with the county sheriff of each county where  
26 the offender will be staying within three business days of arrival.  
27 Registration for temporary residents shall include the information  
28 required by subsection (2)(a) of this section, except the photograph  
29 and fingerprints.

30 (v) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
31 or juvenile who has been found not guilty by reason of insanity under  
32 chapter 10.77 RCW of committing a sex offense or a kidnapping offense  
33 and who is in custody, as a result of that finding, of the state  
34 department of social and health services, must register within three  
35 business days from the time of release with the county sheriff for  
36 the county of the person's residence. The state department of social  
37 and health services shall provide notice to the adult or juvenile in  
38 its custody of the duty to register.

39 (vi) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a  
40 fixed residence and leaves the county in which he or she is

1 registered and enters and remains within a new county for twenty-four  
2 hours is required to register with the county sheriff not more than  
3 three business days after entering the county and provide the  
4 information required in subsection (2)(a) of this section.

5 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER  
6 SUPERVISION. Offenders who lack a fixed residence and who are under  
7 the supervision of the department shall register in the county of  
8 their supervision.

9 (viii) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR  
10 ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in  
11 Washington, who move to another state, or who work, carry on a  
12 vocation, or attend school in another state shall register a new  
13 address, fingerprints, and photograph with the new state within three  
14 business days after establishing residence, or after beginning to  
15 work, carry on a vocation, or attend school in the new state. The  
16 person must also send written notice within three business days of  
17 moving to the new state or to a foreign country to the county sheriff  
18 with whom the person last registered in Washington state. The county  
19 sheriff shall promptly forward this information to the Washington  
20 state patrol.

21 (b) The county sheriff shall not be required to determine whether  
22 the person is living within the county.

23 (c) An arrest on charges of failure to register, service of an  
24 information, or a complaint for a violation of RCW 9A.44.132, or  
25 arraignment on charges for a violation of RCW 9A.44.132, constitutes  
26 actual notice of the duty to register. Any person charged with the  
27 crime of failure to register under RCW 9A.44.132 who asserts as a  
28 defense the lack of notice of the duty to register shall register  
29 within three business days following actual notice of the duty  
30 through arrest, service, or arraignment. Failure to register as  
31 required under this subsection (4)(c) constitutes grounds for filing  
32 another charge of failing to register. Registering following arrest,  
33 service, or arraignment on charges shall not relieve the offender  
34 from criminal liability for failure to register prior to the filing  
35 of the original charge.

36 (5)(a) If any person required to register pursuant to this  
37 section changes his or her residence address within the same county,  
38 the person must provide, by certified mail, with return receipt  
39 requested or in person, signed written notice of the change of  
40 address to the county sheriff within three business days of moving.

1 (b) If any person required to register pursuant to this section  
2 moves to a new county, within three business days of moving the  
3 person must register with the county sheriff of the county into which  
4 the person has moved and provide, by certified mail, with return  
5 receipt requested or in person, signed written notice of the change  
6 of address to the county sheriff with whom the person last  
7 registered. The county sheriff with whom the person last registered  
8 is responsible for address verification pursuant to RCW 9A.44.135  
9 until the person completes registration of his or her new residence  
10 address.

11 (6)(a) Any person required to register under this section who  
12 lacks a fixed residence shall provide signed written notice to the  
13 sheriff of the county where he or she last registered within three  
14 business days after ceasing to have a fixed residence. The notice  
15 shall include the information required by subsection (2)(a) of this  
16 section, except the photograph, fingerprints, and palmprints. The  
17 county sheriff may, for reasonable cause, require the offender to  
18 provide a photograph and fingerprints. The sheriff shall forward this  
19 information to the sheriff of the county in which the person intends  
20 to reside, if the person intends to reside in another county.

21 (b) A person who lacks a fixed residence must report weekly, in  
22 person, to the sheriff of the county where he or she is registered.  
23 The weekly report shall be on a day specified by the county sheriff's  
24 office, and shall occur during normal business hours. The person must  
25 keep an accurate accounting of where he or she stays during the week  
26 and provide it to the county sheriff upon request. The lack of a  
27 fixed residence is a factor that may be considered in determining an  
28 offender's risk level and shall make the offender subject to  
29 disclosure of information to the public at large pursuant to RCW  
30 4.24.550.

31 (c) If any person required to register pursuant to this section  
32 does not have a fixed residence, it is an affirmative defense to the  
33 charge of failure to register, that he or she provided written notice  
34 to the sheriff of the county where he or she last registered within  
35 three business days of ceasing to have a fixed residence and has  
36 subsequently complied with the requirements of subsection((s))  
37 (4)(a)(vi) or (vii) (~~and (6)~~) of this section and this subsection.  
38 To prevail, the person must prove the defense by a preponderance of  
39 the evidence.

1 (7) A sex offender subject to registration requirements under  
2 this section who applies to change his or her name under RCW 4.24.130  
3 or any other law shall submit a copy of the application to the county  
4 sheriff of the county of the person's residence and to the state  
5 patrol not fewer than five days before the entry of an order granting  
6 the name change. No sex offender under the requirement to register  
7 under this section at the time of application shall be granted an  
8 order changing his or her name if the court finds that doing so will  
9 interfere with legitimate law enforcement interests, except that no  
10 order shall be denied when the name change is requested for religious  
11 or legitimate cultural reasons or in recognition of marriage or  
12 dissolution of marriage. A sex offender under the requirement to  
13 register under this section who receives an order changing his or her  
14 name shall submit a copy of the order to the county sheriff of the  
15 county of the person's residence and to the state patrol within three  
16 business days of the entry of the order.

17 (8) Except as may otherwise be provided by law, nothing in this  
18 section shall impose any liability upon a peace officer, including a  
19 county sheriff, or law enforcement agency, for failing to release  
20 information authorized under this section.

21 **Sec. 6.** RCW 9A.44.132 and 2019 c 443 s 4 are each amended to  
22 read as follows:

23 (1) A person commits the crime of failure to register as a sex  
24 offender if the person has a duty to register under RCW 9A.44.130 for  
25 a felony sex offense and knowingly fails to comply with any of the  
26 requirements of RCW 9A.44.130.

27 (a) The failure to register as a sex offender pursuant to this  
28 subsection is a class C felony if the person has a duty to register  
29 under RCW 9A.44.130(1)(a) and:

30 (i) It is the person's first conviction for a felony failure to  
31 register; or

32 (ii) The person has previously been convicted of a felony failure  
33 to register as a sex offender in this state or pursuant to the laws  
34 of another state, or pursuant to federal law.

35 (b) If a person has a duty to register under RCW 9A.44.130(1)(a)  
36 and has been convicted of a felony failure to register as a sex  
37 offender in this state or pursuant to the laws of another state, or  
38 pursuant to federal law, on two or more prior occasions, the failure  
39 to register under this subsection is a class B felony.

1        (c) The failure to register as a sex offender is a gross  
2 misdemeanor if the person has a duty to register under RCW  
3 9A.44.130(1)(b).

4        (2) A person is guilty of failure to register as a sex offender  
5 if the person has a duty to register under RCW 9A.44.130 for a sex  
6 offense other than a felony and knowingly fails to comply with any of  
7 the requirements of RCW 9A.44.130. The failure to register as a sex  
8 offender under this subsection is a gross misdemeanor.

9        (3) A person commits the crime of failure to register as a  
10 kidnapping offender if the person has a duty to register under RCW  
11 9A.44.130 for a kidnapping offense and knowingly fails to comply with  
12 any of the requirements of RCW 9A.44.130.

13        (a) If the person has a duty to register for a felony kidnapping  
14 offense, the failure to register as a kidnapping offender is a class  
15 C felony.

16        (b) If the person has a duty to register for a kidnapping offense  
17 other than a felony, the failure to register as a kidnapping offender  
18 is a gross misdemeanor.

19        (4) Unless relieved of the duty to register pursuant to RCW  
20 9A.44.141 and 9A.44.142, a violation of this section is an ongoing  
21 offense for purposes of the statute of limitations under RCW  
22 9A.04.080.

23        **Sec. 7.** RCW 9A.44.140 and 2020 c 249 s 2 are each amended to  
24 read as follows:

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

27        (1) For (~~a person~~) an adult convicted in this state of a class  
28 A felony, or (~~a person~~) an adult convicted of any sex offense or  
29 kidnapping offense who has one or more prior convictions for a sex  
30 offense or kidnapping offense, the duty to register shall continue  
31 indefinitely.

32        (2) For (~~a person~~) an adult convicted in this state of a class  
33 B felony who does not have one or more prior convictions for a sex  
34 offense or kidnapping offense, the duty to register shall end fifteen  
35 years after the last date of release from confinement, if any,  
36 (including full-time residential treatment) pursuant to the  
37 conviction, or entry of the judgment and sentence, if the (~~person~~)  
38 adult has spent fifteen consecutive years in the community without  
39 being convicted of a disqualifying offense during that time period.

1 (3) For (~~a person~~) an adult convicted in this state of a class  
2 C felony, a violation of RCW 9.68A.090 or 9A.44.096, or an attempt,  
3 solicitation, or conspiracy to commit a class C felony, and the  
4 (~~person~~) adult does not have one or more prior convictions for a  
5 sex offense or kidnapping offense, the duty to register shall end ten  
6 years after the last date of release from confinement, if any,  
7 (including full-time residential treatment) pursuant to the  
8 conviction, or entry of the judgment and sentence, if the (~~person~~)  
9 adult has spent ten consecutive years in the community without being  
10 convicted of a disqualifying offense during that time period.

11 (4) For a person required to register under RCW 9A.44.130(1)(b),  
12 the duty to register will end two years after the last date of  
13 release from confinement, including full-time residential treatment,  
14 if any, or entry of disposition if: The court does not extend the  
15 registration period following a motion to extend such registration  
16 from the prosecuting attorney. The court may only extend the  
17 registration period under this subsection if the court determines  
18 based on clear and convincing evidence that the registration period  
19 must be extended to ensure public safety. If the registration  
20 requirement is extended under this subsection, the person may be  
21 required to register for up to an additional two years. Counsel must  
22 be provided at state expense for indigent individuals subject to  
23 court proceedings under this subsection.

24 (5) Except as provided in RCW 9A.44.142, for a person required to  
25 register for a federal, tribal, or out-of-state conviction, the duty  
26 to register shall continue indefinitely.

27 (~~(5)~~) (6) For a person who is or has been determined to be a  
28 sexually violent predator pursuant to chapter 71.09 RCW, the duty to  
29 register shall continue for the person's lifetime.

30 (~~(6)~~) (7) Nothing in this section prevents a person from being  
31 relieved of the duty to register under RCW 9A.44.142, 9A.44.143, and  
32 13.40.162.

33 (~~(7)~~) (8) Nothing in RCW 9.94A.637 relating to discharge of an  
34 offender shall be construed as operating to relieve the offender of  
35 his or her duty to register pursuant to RCW 9A.44.130.

36 (~~(8)~~) (9) For purposes of determining whether a person has been  
37 convicted of more than one sex offense, failure to register as a sex  
38 offender or kidnapping offender is not a sex or kidnapping offense.

39 (~~(9)~~) (10) The provisions of this section and RCW 9A.44.141  
40 through 9A.44.143 apply equally to a person who has been found not

1 guilty by reason of insanity under chapter 10.77 RCW of a sex offense  
2 or kidnapping offense.

3 **Sec. 8.** RCW 13.40.162 and 2020 c 249 s 1 are each amended to  
4 read as follows:

5 (1) A juvenile offender is eligible for the special sex offender  
6 disposition alternative when:

7 (a) The offender is found to have committed a sex offense, other  
8 than a sex offense that is also a serious violent offense as defined  
9 by RCW 9.94A.030, and the offender has no history of a prior sex  
10 offense; or

11 (b) The offender is found to have committed assault in the fourth  
12 degree with sexual motivation, and the offender has no history of a  
13 prior sex offense.

14 (2) If the court finds the offender is eligible for this  
15 alternative, the court, on its own motion or the motion of the state  
16 or the respondent, may order an examination to determine whether the  
17 respondent is amenable to treatment.

18 (a) The report of the examination shall include at a minimum the  
19 following:

20 (i) The respondent's version of the facts and the official  
21 version of the facts;

22 (ii) The respondent's offense history;

23 (iii) An assessment of problems in addition to alleged deviant  
24 behaviors;

25 (iv) The respondent's social, educational, and employment  
26 situation;

27 (v) Other evaluation measures used.

28 The report shall set forth the sources of the evaluator's  
29 information.

30 (b) The examiner shall assess and report regarding the  
31 respondent's amenability to treatment and relative risk to the  
32 community. A proposed treatment plan shall be provided and shall  
33 include, at a minimum:

34 (i) The frequency and type of contact between the offender and  
35 therapist;

36 (ii) Specific issues to be addressed in the treatment and  
37 description of planned treatment modalities;



1 (iii) Monitoring plans, including any requirements regarding  
2 living conditions, lifestyle requirements, and monitoring by family  
3 members, legal guardians, or others;

4 (iv) Anticipated length of treatment; and

5 (v) Recommended crime-related prohibitions.

6 (c) The court on its own motion may order, or on a motion by the  
7 state shall order, a second examination regarding the offender's  
8 amenability to treatment. The evaluator shall be selected by the  
9 party making the motion. The defendant shall pay the cost of any  
10 second examination ordered unless the court finds the defendant to be  
11 indigent in which case the state shall pay the cost.

12 (3) After receipt of reports of the examination, the court shall  
13 then consider whether the offender and the community will benefit  
14 from use of this special sex offender disposition alternative and  
15 consider the victim's opinion whether the offender should receive a  
16 treatment disposition under this section. If the court determines  
17 that this special sex offender disposition alternative is  
18 appropriate, then the court shall impose a determinate disposition  
19 within the standard range for the offense, or if the court concludes,  
20 and enters reasons for its conclusions, that such disposition would  
21 cause a manifest injustice, the court shall impose a disposition  
22 under option D, and the court may suspend the execution of the  
23 disposition and place the offender on community supervision for at  
24 least two years.

25 (4) As a condition of the suspended disposition, the court may  
26 impose the conditions of community supervision and other conditions,  
27 including up to thirty days of confinement and requirements that the  
28 offender do any one or more of the following:

29 (a) Devote time to a specific education, employment, or  
30 occupation;

31 (b) Undergo available outpatient sex offender treatment for up to  
32 two years, or inpatient sex offender treatment not to exceed the  
33 standard range of confinement for that offense. A community mental  
34 health center may not be used for such treatment unless it has an  
35 appropriate program designed for sex offender treatment. The  
36 respondent shall not change sex offender treatment providers or  
37 treatment conditions without first notifying the prosecutor, the  
38 probation counselor, and the court, and shall not change providers  
39 without court approval after a hearing if the prosecutor or probation  
40 counselor object to the change;

1 (c) Remain within prescribed geographical boundaries and notify  
2 the court or the probation counselor prior to any change in the  
3 offender's address, educational program, or employment;

4 (d) Report to the prosecutor and the probation counselor prior to  
5 any change in a sex offender treatment provider. This change shall  
6 have prior approval by the court;

7 (e) Report as directed to the court and a probation counselor;

8 (f) Pay all court-ordered legal financial obligations, perform  
9 community restitution, or any combination thereof;

10 (g) Make restitution to the victim for the cost of any counseling  
11 reasonably related to the offense; or

12 (h) Comply with the conditions of any court-ordered probation  
13 bond.

14 (5) If the court orders twenty-four hour, continuous monitoring  
15 of the offender while on probation, the court shall include the basis  
16 for this condition in its findings.

17 (6) (a) The court must order the offender not to attend the public  
18 or approved private elementary, middle, or high school attended by  
19 the victim or the victim's siblings.

20 (b) The parents or legal guardians of the offender are  
21 responsible for transportation or other costs associated with the  
22 offender's change of school that would otherwise be paid by the  
23 school district.

24 (c) The court shall send notice of the disposition and  
25 restriction on attending the same school as the victim or victim's  
26 siblings to the public or approved private school the juvenile will  
27 attend, if known, or if unknown, to the approved private schools and  
28 the public school district board of directors of the district in  
29 which the juvenile resides or intends to reside. This notice must be  
30 sent at the earliest possible date but not later than ten calendar  
31 days after entry of the disposition.

32 (7) ~~((For offenders required to register under RCW 9A.44.130, at  
33 the end of the supervision ordered under this disposition  
34 alternative, there is a presumption that the offender is sufficiently  
35 rehabilitated to warrant removal from the central registry of sex  
36 offenders. The court shall relieve the offender's duty to register  
37 unless the court finds that the offender is not sufficiently  
38 rehabilitated to warrant removal and may consider the following  
39 factors:~~

- 1       ~~(a) The nature of the offense committed, including the number of~~  
2 ~~victims and the length of the offense history;~~  
3       ~~(b) Any subsequent criminal history of the juvenile;~~  
4       ~~(c) The juvenile's compliance with supervision requirements;~~  
5       ~~(d) The length of time since the charged incident occurred;~~  
6       ~~(e) Any input from community corrections officers, juvenile~~  
7 ~~parole or probation officers, law enforcement, or treatment~~  
8 ~~providers;~~  
9       ~~(f) The juvenile's participation in sex offender treatment;~~  
10       ~~(g) The juvenile's participation in other treatment and~~  
11 ~~rehabilitative programs;~~  
12       ~~(h) The juvenile's stability in employment and housing;~~  
13       ~~(i) The juvenile's community and personal support system;~~  
14       ~~(j) Any risk assessments or evaluations prepared by a qualified~~  
15 ~~professional related to the juvenile;~~  
16       ~~(k) Any updated polygraph examination completed by the juvenile;~~  
17       ~~(l) Any input of the victim; and~~  
18       ~~(m) Any other factors the court may consider relevant.~~

19       ~~(8-))~~ (a) The sex offender treatment provider shall submit  
20 quarterly reports on the respondent's progress in treatment to the  
21 court and the parties. The reports shall reference the treatment plan  
22 and include at a minimum the following: Dates of attendance,  
23 respondent's compliance with requirements, treatment activities, the  
24 respondent's relative progress in treatment, and any other material  
25 specified by the court at the time of the disposition.

26       (b) At the time of the disposition, the court may set treatment  
27 review hearings as the court considers appropriate.

28       (c) Except as provided in this subsection, examinations and  
29 treatment ordered pursuant to this subsection shall be conducted by  
30 qualified professionals as described under (d) of this subsection,  
31 certified sex offender treatment providers, or certified affiliate  
32 sex offender treatment providers under chapter 18.155 RCW.

33       (d) A sex offender therapist who examines or treats a juvenile  
34 sex offender pursuant to this subsection does not have to be  
35 certified by the department of health pursuant to chapter 18.155 RCW  
36 if the therapist is a professional licensed under chapter 18.225 or  
37 18.83 RCW and the treatment employed is evidence-based for sex  
38 offender treatment, or if the court finds that: (i) The offender has  
39 already moved to another state or plans to move to another state for  
40 reasons other than circumventing the certification requirements; (ii)

1 no certified sex offender treatment providers or certified affiliate  
2 sex offender treatment providers are available for treatment within a  
3 reasonable geographical distance of the offender's home; and (iii)  
4 the evaluation and treatment plan comply with this subsection and the  
5 rules adopted by the department of health.

6 ~~((9))~~ (8)(a) If the offender violates any condition of the  
7 disposition or the court finds that the respondent is failing to make  
8 satisfactory progress in treatment, the court may revoke the  
9 suspension and order execution of the disposition or the court may  
10 impose a penalty of up to thirty days confinement for violating  
11 conditions of the disposition.

12 (b) The court may order both execution of the disposition and up  
13 to thirty days confinement for the violation of the conditions of the  
14 disposition.

15 (c) The court shall give credit for any confinement time  
16 previously served if that confinement was for the offense for which  
17 the suspension is being revoked.

18 ~~((10))~~ (9) For purposes of this section, "victim" means any  
19 person who has sustained emotional, psychological, physical, or  
20 financial injury to person or property as a direct result of the  
21 crime charged. "Victim" may also include a known parent or guardian  
22 of a victim who is a minor child unless the parent or guardian is the  
23 perpetrator of the offense.

24 ~~((11))~~ (10) A disposition entered under this section is not  
25 appealable under RCW 13.40.230.

26 NEW SECTION. **Sec. 9.** A new section is added to chapter 9A.44  
27 RCW to read as follows:

28 (1) For a person who is not an adult, any existing legal  
29 obligation to register as a sex offender is extinguished on the  
30 effective date of this section if the person no longer has a duty to  
31 register under RCW 9A.44.130(1)(b).

32 (2) For a person who has an existing legal obligation to register  
33 under RCW 9A.44.130(1)(b), the obligation shall extinguish two years  
34 after the last date of release from confinement, including full-time  
35 residential treatment, if any, or entry of disposition unless the  
36 court extends the registration period under RCW 9A.44.140(4).

37 (3) By December 1, 2023, each registering agency shall conduct an  
38 individual review and remove all persons from the sex offender  
39 registry whose obligation to register is based on an offense

1 committed while the person was under 18 years of age, unless the  
2 individual has a legal obligation to register under subsection (2) of  
3 this section.

4 **Sec. 10.** RCW 9A.44.145 and 2010 c 267 s 8 are each amended to  
5 read as follows:

6 (1) The state patrol shall notify:

7 (a) Registered sex and kidnapping offenders of any change to the  
8 registration requirements, including the extinguishment of a legal  
9 obligation to register under section 9 of this act; (~~and~~)

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

14 (c) A school's or institution's designated recipient of records  
15 under RCW 9A.44.138 regarding the extinguishment of a student's legal  
16 obligation to register under section 9 of this act.

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

19 NEW SECTION. **Sec. 11.** Section 9 of this act takes effect  
20 November 1, 2023.

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