
HOUSE BILL 1678

State of Washington

67th Legislature

2022 Regular Session

By Representatives Klippert, Chase, Graham, Eslick, and Boehnke

Prefiled 12/21/21.

1 AN ACT Relating to creating a domestic violence offender
2 registry; amending RCW 4.24.130 and 4.24.130; adding new sections to
3 chapter 10.99 RCW; adding a new section to chapter 43.43 RCW;
4 creating new sections; providing an effective date; and providing an
5 expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that domestic
8 violence is a serious and pervasive issue facing many Washington
9 families and communities, and many of the most severe crimes that
10 occur in this state are those involving intimate partner and family
11 violence. Domestic violence offenses carry wide ranging effects,
12 including injury to mental and physical health, erosion of economic
13 and housing stability, and vicarious victimization of children, who
14 are often bystander witnesses. Washington state data demonstrates a
15 high rate of reoffense among perpetrators of domestic violence, and
16 there is currently no way of knowing whether any particular person
17 has an offense history in absence of a criminal background check or
18 court records request.

19 The establishment of a searchable public registry of serious
20 domestic violence offenders is an important step toward preventing
21 future victimization and reducing overall rates of domestic violence.

1 The legislature does not intend for the registry to be punitive or an
2 extension of punishment. Instead, it serves as a reasonable
3 regulatory scheme designed to facilitate public access to
4 identification and relevant criminal history information for a subset
5 of particularly dangerous domestic violence offenders with repeated
6 or felony-level offenses. Members of the public have a compelling
7 interest in identifying serious domestic violence offenders so that
8 they may make informed decisions in furtherance of personal security.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.99
10 RCW to read as follows:

11 The definitions in this section apply to sections 3 and 5 through
12 9 of this act unless the context clearly requires otherwise.

13 (1) "Conviction" means any adult conviction, juvenile
14 adjudication, or finding of not guilty by reason of insanity.

15 (2) "Domestic violence offense" means any conviction for a crime
16 in which domestic violence as defined in RCW 9.94A.030 was pleaded
17 and proven.

18 (3) "Qualifying domestic violence offense" means a conviction for
19 any domestic violence offense that either:

20 (a) Is a felony; or

21 (b) Is not a felony and the convicted person has one or more
22 prior or simultaneously entered convictions for a domestic violence
23 offense or any federal or out-of-state conviction for an offense that
24 under the laws of this state would be classified as a domestic
25 violence offense if the offense occurred in Washington.

26 (4) "Serious domestic violence offender" means any person who is
27 convicted of a qualifying domestic violence offense and ordered to
28 appear on the serious domestic violence offender registry established
29 under section 4 of this act.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.99
31 RCW to read as follows:

32 (1) On or after the effective date of this section, when a person
33 is convicted of a qualifying domestic violence offense, the court
34 must enter an order designating the person a serious domestic
35 violence offender and requiring that the person appear on the serious
36 domestic violence offender registry established under section 4 of
37 this act.

1 (2) A court entering an order under subsection (1) of this
2 section shall provide notice to the person of his or her status as a
3 serious domestic violence offender and that he or she will appear on
4 the serious domestic violence offender registry for the applicable
5 time period established in section 5 of this act. The notice must be
6 included on any guilty plea forms and judgment and sentence forms
7 provided to the person.

8 (3) The clerk of the court in which the person was convicted of
9 the qualifying domestic violence offense must forward, electronically
10 or otherwise, to the Washington state patrol, a copy of the judgment
11 and sentence and, to the extent known, the information set out in
12 section 4(2) of this act.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43
14 RCW to read as follows:

15 (1) The Washington state patrol must maintain a central registry
16 of serious domestic violence offenders. The central registry must be
17 made available to the public through a searchable website.

18 (2) To the extent information is available, the website must
19 contain, but is not limited to, the following information pertaining
20 to each serious domestic violence offender:

21 (a) Name;

22 (b) Date of birth;

23 (c) All domestic violence offense convictions, including
24 conviction dates and county and state of conviction;

25 (d) Address by hundred block;

26 (e) Photograph; and

27 (f) Any other identifying data the Washington state patrol deems
28 necessary for the public to properly identify the person, but shall
29 not include the person's social security number.

30 (3) The Washington state patrol may use any verified photo of the
31 serious domestic violence offender that is available, including but
32 not limited to the photograph taken at the offender's booking.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 10.99
34 RCW to read as follows:

35 A serious domestic violence offender shall continue to appear on
36 the serious domestic violence offender registry for the longest
37 qualifying duration provided in this section.

1 (1) A serious domestic violence offender shall appear on the
2 registry indefinitely if:

3 (a) The offender's present qualifying domestic violence offense
4 conviction is for a class A felony; or

5 (b) The offender was previously convicted of a domestic violence
6 offense that is a class A felony or has one or more prior federal or
7 out-of-state convictions for an offense that would be a class A
8 felony domestic violence offense if committed in Washington.

9 (2) Unless subsection (1) of this section applies, a serious
10 domestic violence offender shall appear on the registry for a period
11 of 15 consecutive years in the community without being convicted of
12 any felony or any domestic violence offense if:

13 (a) The offender's present qualifying domestic violence offense
14 conviction is for a class B felony; or

15 (b) The offender was previously convicted of a domestic violence
16 offense that is a class B felony or has one or more prior federal or
17 out-of-state convictions for an offense that would be a class B
18 felony domestic violence offense if committed in Washington.

19 (3) Unless subsection (1) or (2) of this section applies, a
20 serious domestic violence offender shall appear on the registry for a
21 period of 10 consecutive years in the community without being
22 convicted of any felony or any domestic violence offense.

23 (4) The time periods in subsections (2) and (3) of this section
24 run from the last date of release from confinement following the
25 conviction for the qualifying offense, if any, or the date of entry
26 of the judgment and sentence for the qualifying offense, whichever is
27 later.

28 (5) Nothing in this section prevents a person from being removed
29 from the registry under the process provided in section 7 of this
30 act.

31 (6) Nothing in RCW 9.94A.637 relating to discharge of an offender
32 shall be construed as operating to relieve the offender of his or her
33 inclusion on the serious domestic violence offender registry pursuant
34 to this chapter.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 10.99
36 RCW to read as follows:

37 (1) Upon the request of a person who appears on the serious
38 domestic violence offender registry, the Washington state patrol

1 shall investigate whether the person's registration period has ended
2 by operation of law pursuant to section 5 of this act.

3 (a) Using available records, the Washington state patrol shall
4 verify that the person has spent the requisite time in the community
5 and has not been convicted of any felony or any domestic violence
6 offenses during that time.

7 (b) If the Washington state patrol determines the person's
8 registration period has ended by operation of law, the Washington
9 state patrol shall remove the person from the central registry.

10 (2) Nothing in this subsection prevents the Washington state
11 patrol from investigating, upon its own initiative, whether a
12 person's registration period has ended by operation of law pursuant
13 to section 5 of this act.

14 (3) The Washington state patrol and its employees are immune from
15 civil liability for damages for removing a person from the central
16 registry of serious domestic violence offenders or the failure to
17 remove a person from the registry according to the time frames
18 provided in section 5 of this act.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 10.99
20 RCW to read as follows:

21 (1) Except as provided in subsection (2) this section, a serious
22 domestic violence offender may petition the superior court for
23 removal from the serious domestic violence offender registry when he
24 or she has spent 10 consecutive years in the community without being
25 convicted of any felony or any domestic violence offense during that
26 time period.

27 (2) A serious domestic violence offender whose appearance on the
28 serious domestic violence offender registry is based exclusively on
29 one or more domestic violence offenses committed as a juvenile may
30 petition for removal from the serious domestic violence offender
31 registry under the following timelines:

32 (a) If the offense or offenses requiring registration include any
33 class A felony domestic violence offenses, the offender may petition
34 when: (i) At least five years have passed since the petitioner's
35 adjudication and completion of any term of confinement for the
36 offense or offenses giving rise to inclusion on the registry; and
37 (ii) the petitioner has not been adjudicated or convicted of any
38 felony or any domestic violence offenses within the five years before
39 the petition.

1 (b) For all other domestic violence offenses committed by a
2 juvenile not included in (a) of this subsection, the offender may
3 petition when: (i) At least 24 months have passed since the
4 petitioner's adjudication and completion of any term of confinement
5 for the offense giving rise to inclusion on the registry; and (ii)
6 the petitioner has not been adjudicated or convicted of any felony or
7 any domestic violence offenses within the 24 months before the
8 petition.

9 (3) A petition for relief from registration must be made to the
10 court in which the petitioner was ordered to be included on the
11 serious domestic violence offender registry. The prosecuting attorney
12 of the county must be named and served as the respondent in any
13 petition. The prosecuting attorney must make reasonable efforts to
14 notify the victim via the victim's choice of telephone, letter, or
15 email, if known.

16 (4)(a) The court may order the petitioner's removal from the
17 registry only if the petitioner shows by clear and convincing
18 evidence that the petitioner is sufficiently rehabilitated to warrant
19 removal from the registry. If the petitioner's inclusion on the
20 registry is based entirely on offenses committed while the petitioner
21 was a juvenile, the petitioner's burden of proof shall be a
22 preponderance of the evidence that the petitioner is sufficiently
23 rehabilitated to warrant removal from the registry.

24 (b) In determining whether the petitioner is sufficiently
25 rehabilitated to warrant removal from the registry, the following
26 factors are provided as guidance to assist the court in making its
27 determination:

28 (i) The nature of the domestic violence offenses committed,
29 including the number of victims and the length of the offense
30 history;

31 (ii) Any subsequent criminal history;

32 (iii) The petitioner's compliance with any applicable supervision
33 requirements;

34 (iv) The length of time since the charged incident or incidents
35 occurred;

36 (v) Any input from community corrections officers, law
37 enforcement, treatment providers, or other criminal justice
38 professionals;

39 (vi) The petitioner's stability in employment and housing;

40 (vii) The petitioner's community and personal support system;

1 (viii) Any risk assessments or evaluations prepared by a
2 qualified professional; and

3 (ix) Any other factors the court may consider relevant.

4 (5) If a serious domestic violence offender's entry on the
5 registry lists an offense for which the conviction is subsequently
6 overturned or otherwise set aside by court order on grounds
7 consistent with innocence, the serious domestic violence offender may
8 petition the court for removal of the offense from the registry. If
9 the court finds that the offense conviction has been overturned or
10 otherwise set aside by court order on grounds consistent with
11 innocence, the court may order that the offense be removed from the
12 registry.

13 (6) If a person is granted an order of removal from the registry
14 or removal of an offense from the registry pursuant to this section,
15 the order of removal does not constitute a certificate of
16 rehabilitation, or the equivalent of a certificate of rehabilitation,
17 for the purposes of restoration of firearm possession under RCW
18 9.41.040.

19 (7) If the court orders removal from the registry or removal of
20 an offense from the registry, the court must send a copy of the order
21 to the Washington state patrol. The Washington state patrol must
22 remove the person from the registry within 30 calendar days.

23 NEW SECTION. **Sec. 8.** A new section is added to chapter 10.99
24 RCW to read as follows:

25 The Washington state patrol must notify registered serious
26 domestic violence offenders of any changes to the serious domestic
27 violence offender registration requirements.

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 10.99
29 RCW to read as follows:

30 A serious domestic violence offender who applies to change his or
31 her name under RCW 4.24.130 or any other law shall submit a copy of
32 the application to the Washington state patrol not fewer than five
33 days before the entry of an order granting the name change. A serious
34 domestic violence offender may not be granted an order changing his
35 or her name under RCW 4.24.130 or any other law if the court finds
36 that doing so will interfere with legitimate law enforcement
37 interests, except that no order may be denied when the name change is
38 requested in recognition of marriage or dissolution of marriage. A

1 court granting an order changing the name of a serious domestic
2 violence offender must submit a copy of the order to the Washington
3 state patrol within 72 hours of the entry of the order.

4 **Sec. 10.** RCW 4.24.130 and 1998 c 220 s 5 are each amended to
5 read as follows:

6 (1) Any person desiring a change of his or her name or that of
7 his or her child or ward, may apply therefor to the district court of
8 the judicial district in which he or she resides, by petition setting
9 forth the reasons for such change; thereupon such court in its
10 discretion may order a change of the name and thenceforth the new
11 name shall be in place of the former.

12 (2) An offender under the jurisdiction of the department of
13 corrections who applies to change his or her name under subsection
14 (1) of this section shall submit a copy of the application to the
15 department of corrections not fewer than five days before the entry
16 of an order granting the name change. No offender under the
17 jurisdiction of the department of corrections at the time of
18 application shall be granted an order changing his or her name if the
19 court finds that doing so will interfere with legitimate penological
20 interests, except that no order shall be denied when the name change
21 is requested for religious or legitimate cultural reasons or in
22 recognition of marriage or dissolution of marriage. An offender under
23 the jurisdiction of the department of corrections who receives an
24 order changing his or her name shall submit a copy of the order to
25 the department of corrections within five days of the entry of the
26 order. Violation of this subsection is a misdemeanor.

27 (3) A sex offender subject to registration under RCW 9A.44.130
28 who applies to change his or her name under subsection (1) of this
29 section shall follow the procedures set forth in RCW 9A.44.130(~~(+6)~~)
30 (7).

31 (4) A serious domestic violence offender subject to registration
32 under section 3 of this act who applies to change his or her name
33 under subsection (1) of this section shall follow the procedures set
34 forth in section 9 of this act.

35 (5) The district court shall collect the fees authorized by RCW
36 36.18.010 for filing and recording a name change order, and transmit
37 the fee and the order to the county auditor. The court may collect a
38 reasonable fee to cover the cost of transmitting the order to the
39 county auditor.

1 (~~(5)~~) (6) Name change petitions may be filed and shall be heard
2 in superior court when the person desiring a change of his or her
3 name or that of his or her child or ward is a victim of domestic
4 violence as defined in RCW 26.50.010(~~(1)~~) and the person seeks to
5 have the name change file sealed due to reasonable fear for his or
6 her safety or that of his or her child or ward. Upon granting the
7 name change, the superior court shall seal the file if the court
8 finds that the safety of the person seeking the name change or his or
9 her child or ward warrants sealing the file. In all cases filed under
10 this subsection, whether or not the name change petition is granted,
11 there shall be no public access to any court record of the name
12 change filing, proceeding, or order, unless the name change is
13 granted but the file is not sealed.

14 **Sec. 11.** RCW 4.24.130 and 2021 c 215 s 90 are each amended to
15 read as follows:

16 (1) Any person desiring a change of his or her name or that of
17 his or her child or ward, may apply therefor to the district court of
18 the judicial district in which he or she resides, by petition setting
19 forth the reasons for such change; thereupon such court in its
20 discretion may order a change of the name and thenceforth the new
21 name shall be in place of the former.

22 (2) An offender under the jurisdiction of the department of
23 corrections who applies to change his or her name under subsection
24 (1) of this section shall submit a copy of the application to the
25 department of corrections not fewer than five days before the entry
26 of an order granting the name change. No offender under the
27 jurisdiction of the department of corrections at the time of
28 application shall be granted an order changing his or her name if the
29 court finds that doing so will interfere with legitimate penological
30 interests, except that no order shall be denied when the name change
31 is requested for religious or legitimate cultural reasons or in
32 recognition of marriage or dissolution of marriage. An offender under
33 the jurisdiction of the department of corrections who receives an
34 order changing his or her name shall submit a copy of the order to
35 the department of corrections within five days of the entry of the
36 order. Violation of this subsection is a misdemeanor.

37 (3) A sex offender subject to registration under RCW 9A.44.130
38 who applies to change his or her name under subsection (1) of this
39 section shall follow the procedures set forth in RCW 9A.44.130(7).

1 (4) A serious domestic violence offender subject to registration
2 under section 3 of this act who applies to change his or her name
3 under subsection (1) of this section shall follow the procedures set
4 forth in section 9 of this act.

5 (5) The district court shall collect the fees authorized by RCW
6 36.18.010 for filing and recording a name change order, and transmit
7 the fee and the order to the county auditor. The court may collect a
8 reasonable fee to cover the cost of transmitting the order to the
9 county auditor.

10 (~~(5)~~) (6) Name change petitions may be filed and shall be heard
11 in superior court when the person desiring a change of his or her
12 name or that of his or her child or ward is a victim of domestic
13 violence as defined in RCW 7.105.010 and the person seeks to have the
14 name change file sealed due to reasonable fear for his or her safety
15 or that of his or her child or ward. Upon granting the name change,
16 the superior court shall seal the file if the court finds that the
17 safety of the person seeking the name change or his or her child or
18 ward warrants sealing the file. In all cases filed under this
19 subsection, whether or not the name change petition is granted, there
20 shall be no public access to any court record of the name change
21 filing, proceeding, or order, unless the name change is granted but
22 the file is not sealed.

23 NEW SECTION. **Sec. 12.** The Washington state patrol may adopt
24 rules necessary to implement this act.

25 NEW SECTION. **Sec. 13.** Section 10 of this act expires July 1,
26 2022.

27 NEW SECTION. **Sec. 14.** Section 11 of this act takes effect July
28 1, 2022.

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