

REGISTRATION NOTIFICATION

SEX OFFENDER / KIDNAPPING

WHO MUST REGISTER

Under RCW 9A.44.130 offenders with the following offenses must register with the county sheriff for the county of the offender's residence.

Rape 1, 2, or 3	(RCW 9A.44.040, 050, and 060, respectively)
Rape of a Child 1, 2, or 3	(RCW 9A.44.073, 076, 079, respectively)
Child Molestation 1, 2, or 3	(RCW 9A.44.083, 086, 089, respectively)
Sexual Misconduct with a Minor 1 or 2	(RCW 9A.44.093, 096, respectively)
Indecent Liberties	(RCW 9A.44.100)
Voyeurism	(RCW 9A.44.115)
Incest 1 or	(RCW 9A.64.020 (1) & (2))
Kidnapping 1 or 2 (if victim is a minor and offender is not the minor's parent).....	(RCW 9A.40.020, 030, respectively)
Unlawful Imprisonment (if victim is a minor and offender is not the minor's parent).....	(RCW 9A.40.040)
Sexual Exploitation of a Minor.....	(RCW 9.68A.040)
Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct.....	(RCW 9.68A.050)
Sending, Bringing Into State Depictions of Minor Engaged in Sexually Explicit Conduct.....	(RCW 9.68A.060)
Communication with a Minor for Immoral Purposes.....	(RCW 9.68A.090)
Patronizing Juvenile Prostitute.....	(RCW 9.68A.100)
Any federal, military, foreign, or out-of-state conviction for an offense that would have been one of the foregoing offenses under the laws of the State of Washington.	
Any gross misdemeanor that is, under RCW 9A.28, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.	
Any felony with a finding of sexual motivation	(RCW 9.94A.127)

For the purposes of Registration/Notification, "sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under Chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

"Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in Chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

REQUIREMENTS OF THE LAW

Offenders are required to go to the Sheriff's office of their county of residence and, in person, comply with registration procedures. The following information shall be provided to the Sheriff's Office by the offender to be forwarded to the State Patrol:

- a. Name
- b. Address (actual physical address and mailing address)
- c. Place of Employment
- d. Crime convicted of
- e. Date and place of conviction
- f. Aliases

- g. Social Security Number
- h. Photograph
- i. Fingerprints
- j. Date and Place of Birth
- k. Where he or she plans to stay, if registering as “transient.”

REGISTRATION DEADLINES

OFFENDERS IN CUSTODY: (A) 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 by the State Department of Corrections, the State Department of Social and Health Services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who, on or after July 27, 1997, are in custody of the State Department of Corrections, the State Department of Social and Health Services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person’s residence.

OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. 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 Corrections’ active supervision, as defined by the Department of Corrections, the State 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 ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the Indeterminate Sentence Review Board or under the Department of Corrections’ active supervision, as defined by the Department of Corrections, the State 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 ten days of July 27, 1997.

NOTE A change in supervision status of a sex offender who was required to register under state law as of July 28, 1991, or a kidnapping offender who is convicted on or after July 27, 1997, shall not relieve you of the duty to register or to re-register following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44

OFFENDERS UNDER FEDERAL JURISDICTION: 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 United States 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 twenty-four hours from the time of release with the county sheriff for the county of the person’s residence. If the person is not a resident of Washington, registration shall be with the sheriff of the county of the person’s school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States Bureau of Prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States Bureau of Prisons, United States courts, United States parole commission or military parole board for kidnapping offenses committed before, on or after July 27, 1997, must register within ten days of July 27, 1997. A change of supervision status of a sex offender who was required to register under this subsection (3) (a) (iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to re-register following a change of residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED: 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, shall report to the county sheriff to register immediately upon completion of being sentenced.

OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING TO WASHINGTON STATE: Sex and kidnapping offenders who move to Washington State from another state or a foreign country and who are not under the jurisdiction of the State Department of Corrections, the Indeterminate Sentence Review Board, or the State 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. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington State for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or foreign country, federal or military statutes, or Washington State for offenses committed on or after July 27, 1997. 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, the Indeterminate Sentence Review Board, or the Department of Social and Health Services must register within 24 hours of moving to Washington.

OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY: Any adult or juvenile who has been found not guilty by reason of insanity under Chapter 10 RCW 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 State 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 the finding, of the State Department of Social and Health Services, must register within 24 hours from the time of release with the county sheriff for the county of the person's residence. 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, shall be required to register within twenty-four hours of receiving notice of the registration requirement.

OFFENDERS WHO ARE STUDENTS, EMPLOYED OR CARRY ON A VOCATION: If a person is not a resident of Washington, then he/she must register in the county where the person's school is located, the county where he/she is employed or the county where the person carries on a vocation. "Employed or carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen (14) days, or a total of thirty (30) days during a calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered or for the purpose of government or educational benefit. "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An "educational institution" includes any secondary school, trade or professional institution, or any institution of higher learning.

OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE: Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

OFFENDERS WHO ARE MOVING TO A NEW ADDRESS: If any person required to register changes his or her address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two (72) hours of moving. If any person required to register moves to a new county, the person must send written notice of the change of address at least fourteen (14) days before moving to the county sheriff in the new county of residence, and must register within twenty-four (24) hours of moving. The person must also send written notice within ten (10) days of the change of address to the county sheriff with whom the person last registered. If any person required to register moves out of Washington State, the person must also send written notice within ten (10) days of the move to the new state or foreign country to the county sheriff with whom the person registered in Washington State. If the person returns to Washington State, he or she must register within the new county of residence within ten (10) days.

OFFENDERS WHO LACK A FIXED RESIDENCE AND REGISTER AS "TRANSIENT": Any person who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that must be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county.

PENALTIES FOR FAILURE TO REGISTER OR FAILURE TO NOTIFY OF CHANGE OF ADDRESS:
IF YOU DO NOT REGISTER, OR IF YOU FAIL TO NOTIFY THE SHERIFF'S OFFICE OF A CHANGE OF ADDRESS, OR IF YOU FAIL TO REPORT TO THE SHERIFF'S OFFICE WHEN AND AS REQUIRED, YOU MAY BE GUILTY OF A NEW CLASS C FELONY, IF THE CRIME OF WHICH YOU WERE CONVICTED WAS A FELONY OR WAS A FEDERAL OR OUT-OF-STATE CONVICTION FOR AN OFFENSE THAT WOULD BE A FELONY IN WASHINGTON STATE. IF THE CRIME OF WHICH YOU WERE CONVICTED IS LESS THAN A FELONY, ETC, FAILURE TO REGISTER IS A GROSS MISDEMEANOR.

LENGTH OF REGISTRATION:

How long you must continue to register depends upon the sex offense for which you were convicted.

- a. **Class A felony.** A person convicted of a Class A felony or of any sex offense or kidnapping offense who has one or more prior conviction for a sex offense or kidnapping offense is required to register continuously, unless a superior court grants a petition

order relieving the person of the duty to register. The person may petition the Superior Court in the county where he or she was convicted or, for out-of-state convictions, the Cowlitz County Superior Court. Anyone seeking relief is advised to contact the court and/or seek legal assistance for this petition process.

- b. **Class B felony.** A person convicted of a Class B felony who does not have one or more prior convictions for a sex offense or kidnapping offense is required to register for fifteen (15) years after release from confinement (including residential treatment). If he or she is not convicted of any new offense during the fifteen year period, the person is no longer required to register.
- c. **Class C felony or Gross Misdemeanor that is under RCW 9A.28.** A person who has been convicted of a Criminal Attempt, Criminal Solicitation or Criminal Conspiracy to Commit an offense that is classified as a sex offense under RCW 9.94A.030, who does not have one or more prior convictions for a sex offense or kidnapping offense, is required to register for ten (10) years after the last date of release from confinement, if any (including full-time residential treatment), pursuant to the conviction, or entry of the judgement and sentence. If the person has spent ten (10) consecutive years in the community without being convicted of any new offense during the ten year period, the person is no longer required to register.

For foreign country, federal, military, or out-of-state sex offenses, the registration period is determined by the classification of the offense if it had occurred under Washington law. For example, if your offense would have been a Class B felony under Washington law, you must continue to register for 15 years.

For b and c above, the specified time period for registration must be consecutive years in the community without any convictions for new offenses.

If you wish to be relieved of the duty to register, you may petition the superior court of the county in which you were convicted (or, in the case of foreign, federal, military, or out-of-state convictions, the Cowlitz County Superior Court). The prosecuting attorney must be named and served as the respondent. As the petitioner, you must prove by clear and convincing evidence that future registration will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. You may want to have a lawyer help you with this petition.

Clarification or amendment to RCW 9A.44.130 does not relieve sex offenders of the obligation to comply with the registration requirements as the statute existed before July 28, 1991.

REMEMBER, IT IS A NEW CRIMINAL OFFENSE FOR YOU TO FAIL TO REGISTER OR TO FAIL TO NOTIFY THE REGISTERING AUTHORITY OF A CHANGE IN YOUR ADDRESS OR FAIL TO REPORT AS REQUIRED, UNLESS YOU ARE RELIEVED OF THE REGISTRATION REQUIREMENT AS DESCRIBED ABOVE. IT IS YOUR RESPONSIBILITY TO UNDERSTAND AND OBEY THE LAW.

I, _____
OFFENDER NAME (Please Print) DOC NUMBER

have read or have had read to me the registration notification conditions and requirements, I have received a copy of them, and I hereby agree to comply with them.

COUNTY/CASE NUMBER SID NUMBER DATE OF BIRTH

OFFENDER'S SIGNATURE DATE WITNESSING OFFICER'S SIGNATURE DATE

COPY GIVEN TO REGISTRANT YES NO

Cowlitz County Sheriff's Office
PO Box 390
Kelso, WA 98626

360-577-3092