
HOUSE BILL 1034

State of Washington 64th Legislature 2015 Regular Session

By Representatives Moeller, Appleton, Springer, and Jinkins

Prefiled 12/08/14.

1 AN ACT Relating to surname changes; amending RCW 9A.44.130;
2 adding a new section to chapter 26.04 RCW; prescribing penalties; and
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.04
6 RCW to read as follows:

7 (1) Any person desiring to change his or her surname at the time
8 of marriage may so indicate in the space provided on the Washington
9 state department of health marriage certificate form. A copy of a
10 marriage certificate, certified by the state registrar or the
11 recording officer in the county of record and on which a new surname
12 is entered, shall be accepted at state and local government offices
13 for purposes of effectuating such a surname change.

14 (2) An offender under the jurisdiction of the department of
15 corrections who changes his or her name at the time of marriage by so
16 indicating on the marriage certificate shall submit a copy of the
17 marriage certificate to the department of corrections within five
18 days of the solemnization of marriage. Violation of this subsection
19 is a misdemeanor.

20 (3) A sex offender subject to registration under RCW 9A.44.130
21 who changes his or her name at the time of marriage by so indicating

1 on the marriage certificate shall follow the procedures set forth in
2 RCW 9A.44.130(6).

3 **Sec. 2.** RCW 9A.44.130 and 2011 c 337 s 3 are each amended to
4 read as follows:

5 (1)(a) Any adult or juvenile residing whether or not the person
6 has a fixed residence, or who is a student, is employed, or carries
7 on a vocation in this state who has been found to have committed or
8 has been convicted of any sex offense or kidnapping offense, or who
9 has been found not guilty by reason of insanity under chapter 10.77
10 RCW of committing any sex offense or kidnapping offense, shall
11 register with the county sheriff for the county of the person's
12 residence, or if the person is not a resident of Washington, the
13 county of the person's school, or place of employment or vocation, or
14 as otherwise specified in this section. When a person required to
15 register under this section is in custody of the state department of
16 corrections, the state department of social and health services, a
17 local division of youth services, or a local jail or juvenile
18 detention facility as a result of a sex offense or kidnapping
19 offense, the person shall also register at the time of release from
20 custody with an official designated by the agency that has
21 jurisdiction over the person.

22 (b) Any adult or juvenile who is required to register under (a)
23 of this subsection must give notice to the county sheriff of the
24 county with whom the person is registered within three business days:

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

27 (ii) Prior to starting work at an institution of higher
28 education; or

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

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

38 (b) A person may be required to update any of the information
39 required in this subsection in conjunction with any address

1 verification conducted by the county sheriff or as part of any notice
2 required by this section.

3 (c) A photograph or copy of an individual's fingerprints may be
4 taken at any time to update an individual's file.

5 (3)(a) Offenders shall register with the county sheriff within
6 the following deadlines:

7 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
8 offense on, before, or after February 28, 1990, and who, on or after
9 July 28, 1991, are in custody, as a result of that offense, of the
10 state department of corrections, the state department of social and
11 health services, a local division of youth services, or a local jail
12 or juvenile detention facility, and (B) kidnapping offenders who on
13 or after July 27, 1997, are in custody of the state department of
14 corrections, the state department of social and health services, a
15 local division of youth services, or a local jail or juvenile
16 detention facility, must register at the time of release from custody
17 with an official designated by the agency that has jurisdiction over
18 the offender. The agency shall within three days forward the
19 registration information to the county sheriff for the county of the
20 offender's anticipated residence. The offender must also register
21 within three business days from the time of release with the county
22 sheriff for the county of the person's residence, or if the person is
23 not a resident of Washington, the county of the person's school, or
24 place of employment or vocation. The agency that has jurisdiction
25 over the offender shall provide notice to the offender of the duty to
26 register.

27 When the agency with jurisdiction intends to release an offender
28 with a duty to register under this section, and the agency has
29 knowledge that the offender is eligible for developmental disability
30 services from the department of social and health services, the
31 agency shall notify the division of developmental disabilities of the
32 release. Notice shall occur not more than thirty days before the
33 offender is to be released. The agency and the division shall assist
34 the offender in meeting the initial registration requirement under
35 this section. Failure to provide such assistance shall not constitute
36 a defense for any violation of this section.

37 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
38 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
39 but are under the jurisdiction of the indeterminate sentence review
40 board or under the department of corrections' active supervision, as

1 defined by the department of corrections, the state department of
2 social and health services, or a local division of youth services,
3 for sex offenses committed before, on, or after February 28, 1990,
4 must register within ten days of July 28, 1991. Kidnapping offenders
5 who, on July 27, 1997, are not in custody but are under the
6 jurisdiction of the indeterminate sentence review board or under the
7 department of corrections' active supervision, as defined by the
8 department of corrections, the state department of social and health
9 services, or a local division of youth services, for kidnapping
10 offenses committed before, on, or after July 27, 1997, must register
11 within ten days of July 27, 1997. A change in supervision status of a
12 sex offender who was required to register under this subsection
13 (3)(a)(ii) as of July 28, 1991, or a kidnapping offender required to
14 register as of July 27, 1997, shall not relieve the offender of the
15 duty to register or to reregister following a change in residence.

16 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
17 or after July 23, 1995, and kidnapping offenders who, on or after
18 July 27, 1997, as a result of that offense are in the custody of the
19 United States bureau of prisons or other federal or military
20 correctional agency for sex offenses committed before, on, or after
21 February 28, 1990, or kidnapping offenses committed on, before, or
22 after July 27, 1997, must register within three business days from
23 the time of release with the county sheriff for the county of the
24 person's residence, or if the person is not a resident of Washington,
25 the county of the person's school, or place of employment or
26 vocation. Sex offenders who, on July 23, 1995, are not in custody but
27 are under the jurisdiction of the United States bureau of prisons,
28 United States courts, United States parole commission, or military
29 parole board for sex offenses committed before, on, or after February
30 28, 1990, must register within ten days of July 23, 1995. Kidnapping
31 offenders who, on July 27, 1997, are not in custody but are under the
32 jurisdiction of the United States bureau of prisons, United States
33 courts, United States parole commission, or military parole board for
34 kidnapping offenses committed before, on, or after July 27, 1997,
35 must register within ten days of July 27, 1997. A change in
36 supervision status of a sex offender who was required to register
37 under this subsection (3)(a)(iii) as of July 23, 1995, or a
38 kidnapping offender required to register as of July 27, 1997 shall
39 not relieve the offender of the duty to register or to reregister
40 following a change in residence, or if the person is not a resident

1 of Washington, the county of the person's school, or place of
2 employment or vocation.

3 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
4 who are convicted of a sex offense on or after July 28, 1991, for a
5 sex offense that was committed on or after February 28, 1990, and
6 kidnapping offenders who are convicted on or after July 27, 1997, for
7 a kidnapping offense that was committed on or after July 27, 1997,
8 but who are not sentenced to serve a term of confinement immediately
9 upon sentencing, shall report to the county sheriff to register
10 within three business days of being sentenced.

11 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
12 RESIDENTS. Sex offenders and kidnapping offenders who move to
13 Washington state from another state or a foreign country that are not
14 under the jurisdiction of the state department of corrections, the
15 indeterminate sentence review board, or the state department of
16 social and health services at the time of moving to Washington, must
17 register within three business days of establishing residence or
18 reestablishing residence if the person is a former Washington
19 resident. The duty to register under this subsection applies to sex
20 offenders convicted under the laws of another state or a foreign
21 country, federal or military statutes for offenses committed before,
22 on, or after February 28, 1990, or Washington state for offenses
23 committed before, on, or after February 28, 1990, and to kidnapping
24 offenders convicted under the laws of another state or a foreign
25 country, federal or military statutes, or Washington state for
26 offenses committed before, on, or after July 27, 1997. Sex offenders
27 and kidnapping offenders from other states or a foreign country who,
28 when they move to Washington, are under the jurisdiction of the
29 department of corrections, the indeterminate sentence review board,
30 or the department of social and health services must register within
31 three business days of moving to Washington. The agency that has
32 jurisdiction over the offender shall notify the offender of the
33 registration requirements before the offender moves to Washington.

34 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
35 or juvenile who has been found not guilty by reason of insanity under
36 chapter 10.77 RCW of (A) committing a sex offense on, before, or
37 after February 28, 1990, and who, on or after July 23, 1995, is in
38 custody, as a result of that finding, of the state department of
39 social and health services, or (B) committing a kidnapping offense
40 on, before, or after July 27, 1997, and who on or after July 27,

1 1997, is in custody, as a result of that finding, of the state
2 department of social and health services, must register within three
3 business days from the time of release with the county sheriff for
4 the county of the person's residence. The state department of social
5 and health services shall provide notice to the adult or juvenile in
6 its custody of the duty to register. Any adult or juvenile who has
7 been found not guilty by reason of insanity of committing a sex
8 offense on, before, or after February 28, 1990, but who was released
9 before July 23, 1995, or any adult or juvenile who has been found not
10 guilty by reason of insanity of committing a kidnapping offense but
11 who was released before July 27, 1997, shall be required to register
12 within three business days of receiving notice of this registration
13 requirement.

14 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
15 a fixed residence and leaves the county in which he or she is
16 registered and enters and remains within a new county for twenty-four
17 hours is required to register with the county sheriff not more than
18 three business days after entering the county and provide the
19 information required in subsection (2)(a) of this section.

20 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
21 SUPERVISION. Offenders who lack a fixed residence and who are under
22 the supervision of the department shall register in the county of
23 their supervision.

24 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
25 SCHOOL IN ANOTHER STATE. Offenders required to register in
26 Washington, who move to another state, or who work, carry on a
27 vocation, or attend school in another state shall register a new
28 address, fingerprints, and photograph with the new state within three
29 business days after establishing residence, or after beginning to
30 work, carry on a vocation, or attend school in the new state. The
31 person must also send written notice within three business days of
32 moving to the new state or to a foreign country to the county sheriff
33 with whom the person last registered in Washington state. The county
34 sheriff shall promptly forward this information to the Washington
35 state patrol.

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

38 (c) An arrest on charges of failure to register, service of an
39 information, or a complaint for a violation of RCW 9A.44.132, or
40 arraignment on charges for a violation of RCW 9A.44.132, constitutes

1 actual notice of the duty to register. Any person charged with the
2 crime of failure to register under RCW 9A.44.132 who asserts as a
3 defense the lack of notice of the duty to register shall register
4 within three business days following actual notice of the duty
5 through arrest, service, or arraignment. Failure to register as
6 required under this subsection (3)(c) constitutes grounds for filing
7 another charge of failing to register. Registering following arrest,
8 service, or arraignment on charges shall not relieve the offender
9 from criminal liability for failure to register prior to the filing
10 of the original charge.

11 (d) The deadlines for the duty to register under this section do
12 not relieve any sex offender of the duty to register under this
13 section as it existed prior to July 28, 1991.

14 (4)(a) If any person required to register pursuant to this
15 section changes his or her residence address within the same county,
16 the person must provide, by certified mail, with return receipt
17 requested or in person, signed written notice of the change of
18 address to the county sheriff within three business days of moving.

19 (b) If any person required to register pursuant to this section
20 moves to a new county, the person must register with that county
21 sheriff within three business days of moving. Within three business
22 days, the person must also provide, by certified mail, with return
23 receipt requested or in person, signed written notice of the change
24 of address in the new county to the county sheriff with whom the
25 person last registered. The county sheriff with whom the person last
26 registered shall promptly forward the information concerning the
27 change of address to the county sheriff for the county of the
28 person's new residence. Upon receipt of notice of change of address
29 to a new state, the county sheriff shall promptly forward the
30 information regarding the change of address to the agency designated
31 by the new state as the state's offender registration agency.

32 (5)(a) Any person required to register under this section who
33 lacks a fixed residence shall provide signed written notice to the
34 sheriff of the county where he or she last registered within three
35 business days after ceasing to have a fixed residence. The notice
36 shall include the information required by subsection (2)(a) of this
37 section, except the photograph and fingerprints. The county sheriff
38 may, for reasonable cause, require the offender to provide a
39 photograph and fingerprints. The sheriff shall forward this

1 information to the sheriff of the county in which the person intends
2 to reside, if the person intends to reside in another county.

3 (b) A person who lacks a fixed residence must report weekly, in
4 person, to the sheriff of the county where he or she is registered.
5 The weekly report shall be on a day specified by the county sheriff's
6 office, and shall occur during normal business hours. The person must
7 keep an accurate accounting of where he or she stays during the week
8 and provide it to the county sheriff upon request. The lack of a
9 fixed residence is a factor that may be considered in determining an
10 offender's risk level and shall make the offender subject to
11 disclosure of information to the public at large pursuant to RCW
12 4.24.550.

13 (c) If any person required to register pursuant to this section
14 does not have a fixed residence, it is an affirmative defense to the
15 charge of failure to register, that he or she provided written notice
16 to the sheriff of the county where he or she last registered within
17 three business days of ceasing to have a fixed residence and has
18 subsequently complied with the requirements of subsections
19 (3)(a)(vii) or (viii) and (5) of this section. To prevail, the person
20 must prove the defense by a preponderance of the evidence.

21 (6) A sex offender subject to registration requirements under
22 this section who applies to change his or her name under RCW 4.24.130
23 or section 1 of this act or any other law shall submit a copy of the
24 application to the county sheriff of the county of the person's
25 residence and to the state patrol not fewer than five days before the
26 entry of an order granting the name change. No sex offender under the
27 requirement to register under this section at the time of application
28 shall be granted an order changing his or her name if the court finds
29 that doing so will interfere with legitimate law enforcement
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. A sex offender
33 under the requirement to register under this section who receives an
34 order or a marriage certificate changing his or her name shall submit
35 a copy of the order or marriage certificate to the county sheriff of
36 the county of the person's residence and to the state patrol within
37 three business days of the entry of the order.

38 (7) Except as may otherwise be provided by law, nothing in this
39 section shall impose any liability upon a peace officer, including a

1 county sheriff, or law enforcement agency, for failing to release
2 information authorized under this section.

3 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2016.

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