

APPENDICES

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APPENDIX A

Washington Statutes - 1997

Wash. Rev. Code §9A.44.130

Laws of Washington 1997, ch. 113, §3

Laws of Washington 1997, ch. 340, §3

(Effective July 27, 1997.)

RCW 9A.44.130. Registration of sex offenders and kidnapping offenders—Procedures—Definition—Penalties

(1) Any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence.

(2) The person shall provide the county sheriff with the following information when registering: (a) Name; (b) address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) aliases used; and (h) social security number.

(3)(a) Offenders shall register within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and

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juvenile adjudications for sex offenses or kidnapping offenses:

(i) 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, 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, and (B) kidnapping offenders who on or after the effective date of this act 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 within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The agency that has jurisdiction over the offender shall provide notice to the ((sex)) offender of the duty to register. Failure to register within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (7) of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. ...

(iii) ((SEX)) OFFENDERS UNDER FEDERAL JURISDICTION. ...

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for

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a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after the effective date of this act for a kidnapping offense that was committed on or after the effective date of this act, 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.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. ...

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. ...

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (7) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

...

(4)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff at least fourteen days before moving. If any person required to register pursuant to this section moves to a new county, the person must send written

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notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(5) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(6) For the purpose of RCW 9A.44.130, 10.01.200, 33 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of

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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.

...

(7) A person who knowingly fails to register or who moves without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony, violation of this section is a gross misdemeanor.

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APPENDIX B

Washington Statutes - 1997

Wash. Rev. Code §9A.44.140

Laws of Washington 1997, ch. 113, §4

(Effective July 27, 1997.)

RCW 9A.44.140 Registration of sex offenders and kidnapping offenders—Duty to register

(1) The duty to register under RCW 9A.44.130 shall end:

(a) For a person convicted of a class A felony: Such person may only be relieved of the duty to register under subsection (3) or (4) of this section.

(b) For a person convicted of a class B felony: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony, a violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to commit a class C felony: Ten years after the last date of release from confinement, if any, (including full-time residential

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treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

...

(3) Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. Except as provided in subsection (4) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner 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.

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APPENDIX C

Washington Statutes - 1999

Wash. Rev. Code §9A.44.130

**Laws of Washington 1999, 1st Spec. Sess., ch. 6,
§2**

(Effective June 7, 1999.)

RCW 9A.44.130. Registration of sex offenders and kidnapping offenders—Procedures—Definition—Penalties

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is 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 as a result of a sex offense or

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kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date

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and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

...

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** 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 and provide the information required in subsection (3)(b) of this section.

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

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The

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sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report in person to the sheriff of the county where he or she is registered. If he or she has been classified as a risk level I sex or kidnapping offender, he or she must report monthly. If he or she has been classified as a risk level II or III sex or kidnapping offender, he or she must report weekly. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

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APPENDIX D

Wash. Rev. Code §9A.44.140

Laws of Washington 2015, ch. 261, §6

(Effective July 24, 2015.)

**RCW 9A.44.140 Registration of sex offenders
and kidnapping offenders—Duty to register.**

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

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

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

(3) For a person convicted in this state of a class C felony, a violation of RCW 9.68A.090 or 9A.44.096,

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or an attempt, solicitation, or conspiracy to commit a class C felony, and the person does not have one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall end ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of a disqualifying offense during that time period.

...

(6) Nothing in this section prevents a person from being relieved of the duty to register under RCW 9A.44.142 and 9A.44.143.

...

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

...

APPENDIX E

Wash. Rev. Code §9A.44.130

Laws of Washington 2008, ch. 230, §1

(Effective June 12, 2008.)

RCW 9A.44.130 Registration of sex offenders and kidnapping offenders—Procedures—Definition—Penalties.

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is 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 as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

...

(10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means: (i) Any offense defined as a sex offense by RCW 9.94A.030;

...

(11)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class B felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (10)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (10)(a) of this section.

(12)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (10)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (10)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

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APPENDIX F

Wash. Rev. Code §9.94A.030

Laws of Washington 2008, ch. 208, §309

(Effective June 12, 2008.)

RCW 9.04A.030. Definitions

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(46) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130 (12);

APPENDIX G

**State of Washington v. Jayson Boyd
Skagit County Superior Court
15-1-00225-1**

Excerpts of Transcript

February 29, 2016

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Q. Please state your name and spell your last name.

A. Laurie Jarolimek, J-a-r-o-l-i-m-e-k.

Q. How are you employed?

A. At the Skagit County Sheriff's Office. I'm the

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registered sex offender coordinator.

Q. How long have you been with the sheriff's office?

A. Since 2003.

...

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Q. Do you know a Jayson, J-a-y-s-o-n, Lee Boyd with a date of birth of October 22nd, 1974?

A. I do.

...

Q. How do you know Mr. Boyd?

A. I've known him for years, usually on a transient basis or when he registers with a new address.

Q. Okay. And this is through him being a registered sex offender?

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A. Yes.

Q. And is he required to register as a sex offender?

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A. Yes, he is.

Q. And that -- how long has that been the situation? Well, let me actually ask that a better way. What is it that requires him to register?

A. A conviction, rape of a child, third. That was back in '99.

Q. And do you have a copy of the judgment as part of your file?

A. I do.

Q. And has Mr. Boyd been required to register ever since that conviction?

A. He has.

Q. So have you known Mr. Boyd as long as you've been working at the sheriff's office?

A. I think so. A long time.

...

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Q. Now, as of December 11th, 2014, how was Mr. Boyd registered? Did he have an address or did he not have an address?

A. On 12/11?

Q. As of 12/11/14.

A. Transient, registered as transient.

...

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Q. So when was the last time that Mr. Boyd -- during this time period that Mr. Boyd did come in pursuant to his weekly obligation?

A. On 1/20 of '15.

- Q. So he came in on 1/20?
- A. Yes, he did.
- Q. And then he did not come in the following three weeks?
- A. Right.
- Q. Do you ever have a situation where an individual has transportation problems getting to you?
- A. That happens. A lot of times they don't have cars and the bus is late or whatever. And, actually, that happened here on 1/12 and I just put a note that he called and he
- Pg. 49
- will come in on 1/13 in the morning and initialed that. And he did. He came in the next morning.
- Q. Okay. So if somebody is unable to make it because of transportation, they have the ability to call and let you know?
- A. They do.
- Q. And it doesn't give rise to a criminal charge?
- A. No.
- ...
- Pg. 49
- Q. Okay. After Mr. Boyd's failure to come in pursuant to law, did you refer this matter for charging?
- A. After the third week of missing, yes, I did.
- Q. Now, the requirement to register pursuant to the rape of a child, how long does that requirement extend?
- A. It's rape of a child, third, so it was a class C felony, which is 10 years of registration.

Q. Is there anything that would extend that time period?

A. If in the -- before the 10 years is up, if he's convicted of a disqualifying conviction, which would be --

MS. RIQUELME: Object that this is calling for legal conclusions.

THE COURT: As part of her duties -- I don't know if you want to go into any more foundation. But I will find that part of her regular duties in being the registration officer for the county, that she has certain knowledge, and I don't find this to be outside of that scope.

So I will overrule the objection.

BY MS. KAHOLOKULA:

Q. You were about to say something about disqualifying?

A. Yeah. Disqualifying events that would prolong registration would be any felony conviction or anything related to DV, domestic violence.

Q. Would a failure to register -- a felony failure to register, would that be one of those events?

A. It would.

Q. And are you aware of whether Mr. Boyd had such disqualifying offenses which extended his 10-year period?

A. He did.

MS. KAHOLOKULA: Your Honor, at this time I will be seeking to admit pleas and sentences on three different failure to register convictions.

They're sealed and certified court documents.

THE COURT: Do they already have exhibit numbers?

MS. KAHOLOKULA: They do, Your Honor. They're Exhibits 5 through 10

THE COURT: Ms. Riquelme, have you already received

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copies?

MS. RIQUELME: I have, Your Honor, and I have no objection.

THE COURT: All right. Do you just want to do it in a packet 5 through 10, or do you want to --

MS. KAHOLOKULA: Just 5 through 10.

THE COURT: All right. Based on the lack of objection, Exhibits 5 through 10 will be admitted.

(Exhibit Nos. 5 through 10 were admitted.)

March 1, 2016

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THE COURT: ... At this time, the defense may call witnesses if they wish.

MS. RIQUELME: And Your Honor, the defense has no

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witnesses and defense rests.

THE COURT: The defense has rested.

(The Defendant rested.)

...

APPENDIX H

Washington Statutes - 2015

Wash. Rev. Code §9A.44.130

Laws of Washington 2015, ch. 261, §3

(Effective July 24, 2015.)

RCW 9A.44.130. Registration of sex offenders and kidnapping offenders—Procedures—Definition—Penalties

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. When a person required to register under this section is 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 as a result of a sex offense

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or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. (b) Any adult or juvenile who is required to register under (a) of this subsection must give notice to the county sheriff of the county with whom the person is registered within three business days: (i) Prior to arriving at a school or institution of higher education to attend classes; (ii) Prior to starting work at an institution of higher education; or (iii) After any termination of enrollment or employment at a school or institution of higher education.

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

...