

## Administrative Policy No. 8.07

<b>Subject:</b>	Notice of Registration Requirements for DSHS Clients with Kidnapping or Sex Offenses
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<b>Authorizing Source:</b>	<a href="#">Chapter 9A.44 RCW</a>
<b>Effective Date:</b>	March 1, 1991
<b>Revised:</b>	March 17, 2017
<b>Approved by:</b>	<u>Original signed by Sharon Swanson</u> Senior Director, Policy & External Relations

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### Purpose

This policy establishes procedures for preregistration of clients who have been found guilty, pled guilty, or found not guilty by reason of insanity of a kidnapping or sex offense; and to notify and advise these clients of the legal requirement to register with local law enforcement.

### Scope

This policy applies to the Rehabilitation Administration (RA), Behavioral Health Administration (BHA), and Special Commitment Center (SCC).

### Definitions

**Active Supervision** means a parolee, client on conditional release, or client released to a less restrictive alternative (LRA).

**Client** means any DSHS client who:

1. Was found guilty, pled guilty, or found not guilty by reason of insanity (NGRI) under [RCW 10.77.110](#) of one or both of the following offenses:

- a. *Sex Offense* on, before, or after February 28, 1990, and as a result was in the custody of or on active supervision by the Washington State Department of Corrections (DOC), Washington State Department Indeterminate Sentence Review Board (ISRB), Washington State Department Social and Health Services (DSHS), or Rehabilitation Administration (RA), or was in a local jail or juvenile detention facility on or after July 28, 1991;
  - b. *Kidnapping Offense* that occurred on or after July 27, 1997, and as a result of that offense was in the custody of or on active supervision by the Washington State Department of Corrections (DOC), Indeterminate Sentence Review Board (ISRB) or Washington State Department of Social Health Services (DSHS), Rehabilitation Administration (RA) or in a local jail or juvenile detention facility on or after July 27, 1997; or
2. Was released under [Chapter 71.09 RCW](#) to a less restrictive alternative (LRA) from the Special Commitment Center (SCC) or SCC Secure Community Transition Facility (SCTF) or by unconditional release as determined by the court.

**Conviction/NGRI** means a determination of guilt pursuant to [Titles 10](#) or [13](#) RCW including a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty, and not guilty by reason of insanity (NGRI) under Chapter 10.77 RCW.

**Custody** means the care, confinement, immediate charge, and control of clients.

**Found to Have Committed** means a judge or jury's determination that the client committed a sex or kidnapping offense, including clients found NGRI under [Chapter 10.77 RCW](#).

**Kidnapping Offense** means the crimes of kidnapping in the first degree, kidnapping in the second degree and unlawful imprisonment when the victim is age 17 or under and the offender is not the minor's parent as defined in RCW 9A.44.128 (see [Attachment A](#)).

**Release** means the release from confinement or civil commitment for the crime requiring notification.

**Sex Offense** means specific sex offenses as defined in RCW 9A.44.128 (see [Attachment A](#)).

#### A. **Facility Preregistration**

1. The DSHS facility staff must pre-register all clients releasing with a sex or kidnapping offense as defined in RCW 9A.44.128, or who have been detained to the SCC under Chapter 71.09 RCW. Use [DSHS 09-746A, Sex/Kidnapping Offender Preregistration](#).
2. The facility must forward the completed Sex/Kidnapping Offender Preregistration

form to the sheriff of the county of the client's anticipated residence within 72 hours prior to the client's release from custody.

3. If a client is enrolled with the Developmental Disabilities Administration (DDA), the releasing facility must notify DDA no later than 30 days prior to the client's release.

**B. Notification to Clients**

1. DSHS must advise clients in writing of :
  - a. Statutory registration requirements;
  - b. Potential criminal penalties for failing to register; and
  - c. Specific registration requirements for any subsequent change in residence.
2. The requirement to advise clients includes clients whose current commitment is not the result of a new sex/kidnapping offense, but who have an existing sex/kidnapping offender registration requirement. Clients must register with the sheriff of the county of his or her residence within 72 hours of release from custody. Use [DSHS 09-746, Notice of Sex/Kidnapping Offender Registration Requirements](#).

Note: If a client chooses not to sign the form, a witness must document the refusal in writing to verify the Department notified and verbally advised the client of the registration requirements.

3. Divisions or administrations with jurisdiction over clients must establish and implement written procedures for advising clients of the registration requirement and documenting such notification.

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### Attachment A

#### Sex Offense and Kidnapping Offense Definitions:

<p><b><u>Sex Offenses:</u></b>  <u>RCW 9A.44</u>  Rape 1<sup>st</sup> Class A  Rape 2<sup>nd</sup> Class B  Rape 3<sup>rd</sup> Class C  Rape of a Child 1<sup>st</sup> (Class A)  Rape of a Child 2<sup>nd</sup> (Class B)  Rape of a Child 3<sup>rd</sup> (Class C)  Sexual Misconduct with Minor 1<sup>st</sup> (Class C)  Sexual Misconduct with Minor 2<sup>nd</sup> (Gross Misdemeanor)  Indecent Liberties (Class B)  Indecent Liberties by Forcible Compulsion (Class A)  Sexually Violate Human Remains (Class C)  Voyeurism (Class C)  Custodial Sexual Misconduct 1<sup>st</sup> (Class C)</p>	<p><u>RCW 9.68A.090</u>  Communication with Minor for Immoral Purposes (Class C) if the person has previously been convicted under this section or convicted of a previous sex offense  Communication with Minor for Immoral Purposes (Gross Misdemeanor)</p>
<p><u>RCW 9A.44.190; 9A.44.193; 9A.44.196</u>  Criminal Trespass Against Children (Class C)</p>	<p><u>RCW 9.68A.100</u>  Commercial Sexual Abuse of a Minor (Class C)</p>
<p><u>RCW 9A.44.132</u>  Failure to Register (Class C)</p>	<p><u>RCW 9.68A.101</u>  Commercial Sexual Abuse of a Minor-Promote (Class B)</p>
<p><u>RCW 9A.64.020</u>  Incest 1<sup>st</sup> (Class B)  Incest 2<sup>nd</sup> (Class C)</p>	<p><u>RCW 9.68A.102</u>  Travel for Commercial Sexual Abuse of a Minor-Promote (Class C)</p>
<p><u>RCW 9.68A.040</u>  Sexual Exploitation of a Minor (Class B)</p>	<p><b><u>Also:</u></b>  A felony with a finding of sexual motivation under RCW <u>9.94A.835</u> or RCW <u>13.40.135</u>;  Federal or out-of-state conviction that, under this law, would be classified as a felony sex offense;  A criminal attempt, criminal solicitation, or criminal conspiracy to commit an above offense.</p>
<p><u>RCW 9.68A.050</u>  Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 1<sup>st</sup> (Class B)  Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2<sup>nd</sup> (Class C)</p>	<p><b><u>Kidnapping Offenses:</u></b>  As defined in Chapter <u>9A.44.128</u> RCW where the victim is a minor and the offender is not the minor's parent.</p>
<p><u>RCW 9.68A.060</u>  Sending, Bringing Into State of Depictions of a Minor Engaged in Sexually Explicit Conduct 1<sup>st</sup> (Class B)  Sending, Bringing Into State of Depictions of a Minor Engaged in Sexually Explicit Conduct 2<sup>nd</sup> (Class C)</p>	<p><u>RCW 9A.40.020</u>  Kidnapping 1<sup>st</sup> (Class A)  <u>RCW 9A.40.030</u>  Kidnapping 2<sup>nd</sup> (Class B)  <u>RCW 9A.40.040</u>  Unlawful Imprisonment (Class C)</p>
<p><u>RCW 9.68.070</u>  Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1<sup>st</sup> (Class B)  Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2<sup>nd</sup> (Class C)</p>	<p><b><u>Also:</u></b>  A criminal attempt, criminal solicitation or criminal conspiracy to commit an above offense.</p>