

## Fact Sheet: Relief from Sex or Kidnapping Offender Registration

# SOPB

Washington Sex Offender Policy Board

### How long are sex or kidnapping offenders required to register for?

Offenders convicted in Washington state of a Class A felony, or who have been convicted of two or more sex or kidnapping offenses or required by federal, tribal or out-of-state authorities must register **indefinitely**.

Offenders convicted in Washington state of a Class B felony who do not have one or more prior convictions for a sex or kidnapping offense, or no disqualifying offense, shall register for **15 years** after the last date of release from confinement or judgment and sentence if no further confinement.

Offenders convicted in Washington state 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 who do not have one or more prior convictions for a sex or kidnapping offense, shall register for **10 years** after the last date of release from confinement or judgment and sentence if no further confinement.

### Who may petition for relief of sex or kidnapping registration requirements?

Offenders who were adjudicated or convicted as **juveniles**, who have not been determined to be a sexually violent predator, regardless of whether the conviction was in Washington state.

Offenders who were convicted **as adults in Washington state** who have spent ten consecutive years in the community and have not been determined to be a sexually violent predator or convicted of a disqualifying offense.

Offenders who are **required to register for a federal, tribal, or out-of-state conviction** who have spent fifteen consecutive years in the community without being convicted of a disqualifying offense.

### What is a disqualifying offense?

RCW 9A.44.128(3) defines disqualifying offenses as a conviction for: any offense that is a felony; a sex offense as defined in chapter 9A.44 RCW; a crime against children or persons as defined in RCW 43.43.830(7) and 9.94A.411(2)(a); an offense with a

domestic violence designation as provided in RCW 10.99.020; permitting the commercial sexual abuse of a minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88 RCW.

### **Who may not petition for relief from sex or kidnapping registration requirements?**

Adults or juveniles who have been determined to be a sexually violent predator and adults who have been convicted of a Class A sex or kidnapping offense that was committed with forcible compulsion on or after June 8, 2000 may not petition for relief from registration requirements. Although these offenders may not be relieved from registration requirements, they may petition to be exempted from community notification requirements after fifteen years from the last date of release from confinement or judgment and sentence if they have not been convicted of a disqualifying offense during that time.

### **Which court does the offender petition and who does the offender serve notice to?**

The offender shall submit the petition to the court which required he or she to register. If the offender was convicted out-of-state, or in a federal or foreign country, the offender shall petition the superior court in the county where the person is registered. The prosecuting attorney of the county shall be named and served as a respondent in the petition.

### **When may the court relieve a petitioner of the duty to register?**

An adult offender may be relieved from the duty to register only if they show by clear and convincing evidence that they are sufficiently rehabilitated\* to warrant removal from the registry.

A juvenile offender may be relieved from the duty to register under the following circumstances:

<b>Type of offense</b>	<b>Time since offense</b>	<b>Other requirements</b>
Class A Sex or Kidnapping Offense committed when the juvenile was 15 or older	At least 60 months have passed since adjudication <b>and</b> term of confinement; with no additional sex offense or kidnapping convictions	Person has not been adjudicated or convicted of Failure to Register within 60 months of filing petition; offender has been sufficiently rehabilitated*.
All other Sex or Kidnapping Offenses	At least 24 months have passed since adjudication <b>and</b> term of	Person has not been adjudicated or convicted of

	confinement, with no additional sex offense or kidnapping convictions	Failure to Register within 24 months of filing petition; offender has been sufficiently rehabilitated*.
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**What factors does the court consider when determining whether an offender is sufficiently rehabilitated\*?**

- The nature of the registrable offense committed including the number of victims and the length of the offense history;
- Any subsequent criminal history;
- Petitioner’s compliance with supervision requirements;
- Length of time since the charged incident(s) occurred;
- Input from the community corrections officers, law enforcement, or treatment providers;
- Participation in sex offender treatment;
- Participation in other treatment and rehabilitative programs;
- Offender’s stability in employment and housing;
- Offender’s community and personal support system;
- Risk assessment’s or evaluations prepared by a qualified professional;
- Updated polygraph examinations;
- Input from the victim;
- Any other factors the court may consider relevant.

**What is the burden of proof to prevail on a petition for relief from registration?**

The court may relieve an adult petitioner of the duty to register only if he or she shows by clear and convincing evidence that they are sufficiently rehabilitated to warrant removal from the central registry. The court may relieve a juvenile petitioner if he or she shows by a preponderance of the evidence that they are sufficiently rehabilitated to warrant removal from the central registry.

**What kind of forms are available for use to petition the court?**

Pattern forms for Relief from Offender Registration Requirements are located at [www.courts.wa.gov](http://www.courts.wa.gov) under “Forms”.