



## Obtaining Relief from Sex or Kidnapping Offender Registration

---

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

#### Adult Offenders

**Lifetime Registration.** Offenders convicted in Washington state of an offense involving forcible compulsion (Rape 1, Rape 2 or Indecent Liberties with Forcible Compulsion) that was committed after June 8, 2000, and offenders who have been adjudicated as sexually violent predators under RCW 71.09, must register for life. They are not eligible to petition for relief from sex offender registration. Although these offenders may not be relieved from registration requirements, they may petition the court to be exempted from community notification requirements after 15 consecutive years from the last date of release from confinement if they have not been convicted of a disqualifying offense during that time.

**Indefinite Registration.** Offenders convicted in Washington state of a Class A felony sex or kidnapping offense, or who have been convicted of two or more sex or kidnapping offenses or required by federal, tribal or out-of-state court must register indefinitely. They may, however, petition for relief from the duty to register after a specified period of time. Those convicted of Class A sex and kidnapping offenses in Washington may petition the court for relief from the duty to register after 10 consecutive years in the community with no new disqualifying offenses. Those convicted of any sex or kidnapping offense in federal, tribal or out of state courts, may petition the court for relief from the duty to register after 15 consecutive years in the community with no new disqualifying offenses.

**15 years of Registration.** 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, shall register for **15 consecutive years** after the last date of release from confinement or the date of sentencing if there is no further confinement, so long as they are not convicted of any new disqualifying offenses during that time. **Offenders**

This fact sheet is intended to summarize relevant laws related to Sex and Kidnapping offenders for general understanding. It is not intended to comprehensively re-state all the duties required of an offender for compliance with the law. Please consult an attorney.

are required to send a letter to the sheriff requesting to be relieved of the duty to register. RCW 9A.44.141. Class B sex and kidnapping offenders may petition the court for relief from the duty to register after 10 consecutive years in the community with no new disqualifying offenses.

**10 years of Registration.** Offenders convicted in Washington state of a Class C felony, or a gross misdemeanor in violation of RCW 9.68A.090 (Communicating with a Minor for Immoral Purposes) or RCW 9A.44.096 (Sexual Misconduct with a Minor 2), or a gross misdemeanor 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 consecutive years** after the last date of release from confinement or the date of sentencing if no further confinement, so long as they are not convicted of any new disqualifying offenses during that time.

### **Juvenile Offenders**

**Five Years Minimum Registration.** A juvenile adjudicated of a Class A sex or kidnapping offense that was committed when they were 15 years old or older must register for a minimum of five years after the date of adjudication.

**Two Years Minimum Registration.** All other juveniles adjudicated of a sex or kidnapping offense must register for a minimum of two years after the date of adjudication.

*Offenders must continue register until a court officially relieves the offender of the duty to register.*

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

#### **Adult Offenders**

**Washington State Offenders.** Offenders who were convicted as adults in Washington state of a Class A or Class B sex or kidnapping offense who have spent ten consecutive years in the community without being convicted of a disqualifying offense and who have not been determined to be a sexually violent predator under Chapter 71.09 RCW, may petition the court of conviction for relief from the duty to register.

**Federal, Tribal and Out of State Adult Offenders.** Offenders who were convicted as an adult in a federal, tribal, or out of state court who have spent fifteen consecutive years in the community without being convicted of a disqualifying offense, and who have not been determined to be a sexually violent predator under Chapter 71.09 RCW, may petition the Superior Court in the county where they reside for relief from the duty to register.

## Juvenile Offenders

Offenders who were adjudicated or convicted as **juveniles in Washington or any other court**, who have not been convicted of any new sex or kidnapping or Failure to Register offenses during the required waiting period, and who have not been determined to be a sexually violent predator, regardless of whether the conviction was in Washington state may petition **the court** for relief from the duty to register **as this does not occur automatically**.

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

**Adult Offenders.** An adult offender may be relieved from the duty to register only if they have been in the community the required period of time (10 or 15 consecutive years) with no new disqualifying offenses and they show by clear and convincing evidence that they are sufficiently rehabilitated to warrant removal from the registry.

**Juvenile Offenders.** 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 Offenses adjudicated in Juvenile Court and committed when the juvenile was 15 years old or older	At least 60 consecutive months have passed since adjudication <b>and</b> any term of confinement; with no new adjudications for sex offenses, kidnaping offenses, or Failure to Register.	The offender must prove by a preponderance of the evidence that they have been sufficiently rehabilitated to be relieved of the duty to register.
All other Sex or Kidnapping Offenses adjudicated in Juvenile Court.	At least 24 consecutive months have passed since adjudication <b>and</b> any term of confinement; with no new adjudications for sex offenses, kidnaping offenses, or Failure to Register.	The offender must prove by a preponderance of the evidence that they have been sufficiently rehabilitated to be relieved of the duty to register.

\*Class A refers to those offenses which have a maximum sentence of life in prison for adults. This is separate from the Class designations of the Juvenile Sentencing Guidelines which assign each offense a letter ranking from E to A+.

### **Juvenile Offender Registration.**

In Washington State Juvenile Sex Offender Registration length is based on the criminal offense category designated by statute pursuant (9A.44.040 – .115). The Juvenile Sentencing Grid is not used for determining the length of Juvenile Sex

Offender Registration. Please use the Adult Criminal Offense Category when determining the length of registration.

Below are examples:

Offense	Juvenile Sentencing Category ( <i>Not</i> Used for determining length of Registration)	Adult Criminal Offense Category RCW 9A.44.040 - .115
Rape 1	A	A
Rape 2	A-	A
Rape of Child 1	A-	A
Rape of Child 2	B+	A
Child Molestation 1	A-	A
Child Molestation 2	B	B
Indecent liberties with Forcible Compulsion	B+	A

**What is the burden of proof to successfully petition for relief from the duty to register?**

**Adult Offenders.** 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.

**Juvenile Offenders.** 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 factors does the court consider when determining whether an offender is sufficiently rehabilitated?**

In determining whether the petitioner is sufficiently rehabilitated to warrant removal from the registry, the following factors are provided as guidance to assist the court in making its determination:

- 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;
- Any input from the community corrections officers, law enforcement, or treatment providers;
- Participation in sex offender treatment;
- Participation in other treatment and rehabilitative programs;
- Petitioner’s stability in employment and housing;
- Petitioner’s community and personal support system;
- Any risk assessment’s or evaluations prepared by a qualified professional;
- Any updated polygraph examinations;
- Any input from the victim;
- Any other factors the court may consider relevant.

If a person is relieved of the duty to register pursuant to this section, the relief of registration does not constitute a certificate of rehabilitation, or the equivalent of a certificate of rehabilitation, for the purposes of restoration of firearm possession under RCW [9.41.040](#).

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

The offender shall submit the petition to the court that 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.

**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.”

**Disqualifying Offenses. 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)<sup>i</sup> and 9.94A.411(2)(a)<sup>ii</sup>; 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 (indecent exposure, prostitution related offense).

---

<sup>i</sup> RCW 43.43.830(7). Crimes Against Children or Persons.

"Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnapping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; commercial sexual abuse of a minor; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

<sup>ii</sup> RCW 9.94A.411(2)(a): Crimes Against Persons.

Aggravated murder, 1st degree murder, 2nd degree murder, 1st degree manslaughter, 2nd degree manslaughter, 1st degree kidnapping, 2nd degree kidnapping, 1st degree assault, 2nd degree assault, 3rd degree assault, 1st degree assault of a child, 2nd degree assault of a child, 3rd degree assault of a child, 1st degree rape, 2nd degree rape, 3rd degree rape, 1st degree rape of a child, 2nd degree rape of a child, 3rd degree rape of a child, 1st degree robbery, 2nd degree robbery, 1st degree arson, 1st degree burglary, 1st degree identity theft, 2nd degree identity theft, 1st degree extortion, 2nd degree extortion, indecent liberties, incest, vehicular homicide, vehicular assault, 1st degree child molestation, 2nd degree child molestation, 3rd degree child molestation, 1st degree promoting prostitution, intimidating a juror, communication with a minor, intimidating a witness, intimidating a public servant, bomb threat (if against person), unlawful imprisonment, promoting a suicide attempt, riot (if against person), stalking, custodial assault, domestic violence court order violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145), counterfeiting (if a violation of RCW 9.16.035(4)), felony driving a motor vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), felony physical control of a motor vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)).