



Failure to Register for Adult and Juvenile Sex and Kidnapping Offenses

Who is required to register as a sex offender or kidnapping offender?

Adults or juveniles who live, go to school, or work in Washington state who have been convicted of a sex or kidnapping offense. This includes adults and juveniles who are not residents of Washington state and those who were convicted of sex or kidnapping offenses in another state. [RCW 9A.44.130](#).

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.

When and where must an offender register?

A sex or kidnapping offender who lives, works or attends school in Washington state must register with the sheriff of the county where they are living, working and attending school within three business days. For offenders who visit Washington state and intend to reside or be present in the state for ten days or more, they must register their temporary address or plans to stay with the sheriff of each county where they intend to stay within three business days of arrival.

Are there additional requirements for offenders who are in custody as a result of their offense?

Yes. They must register with an agency–designated official upon release **and** register with the sheriff of the county where they live, work and attend school within three business days.

What information must a sex or kidnapping offender provide when registering?

- Name and aliases
- Complete and accurate residential address. If a person does not have a fixed address they must register where they plan to stay
- Date and place of birth
- Place of employment
- Crime for which they were convicted
- Date and place they were convicted
- Social security number
- Photograph*
- Fingerprints*

*Temporary Washington state residents, those who are residing for less than 10 days, who are required to register do not have to provide photographs or fingerprints with their registration.

What if a sex or kidnapping offender wants to attend class or work at an institution of higher education?

The offender must give three business-day notice to the sheriff of the county with whom they are registered prior to arriving at school, attending class, or working at an institute of higher education.

An offender must also give notice within three business days if they are terminated from working at an institute of higher education.

What are the limitations on where an offender can go to school?

[RCW 13.40.215](#) states “A convicted juvenile sex offender shall not attend a public or approved private elementary, middle or high school that is attended by a victim or a sibling of a victim of the sex offender.”

How does a sex or kidnapping offender know they have an obligation to register?

The duties related to sex and kidnapping offender registration in Washington state are located within [RCW 9A.44.130](#). These duties apply to those who are convicted of sex or kidnapping offenses within Washington state and in other jurisdictions. If convicted within Washington state, notice is given to the sex or kidnapping offender at the time of their judgement and sentence or disposition order. Additionally, when a sex or kidnapping offender is released from custody as a result of their offense in Washington state, the releasing agency is required to provide notice to the offender of the obligation to register. The Washington State Patrol is required to send notice to the offender if registration requirements change.

What if a person who is required to register and lacks a fixed residence, travels to another county?

Any person who lacks a fixed residence or is homeless and leaves the county they are registered in to travel and remain in another county for twenty-four hours must register with that county’s sheriff within three business days.

What if a person who is required to register has a fixed residence and moves to another county?

The person is required to register with the sheriff of the new county of residence within three business days of moving. They also must provide, in person, by certified mail or mail with return receipt requested, signed written notice of the change of address within three business days to the county sheriff with whom the person last registered.

What if a person who is required to register moves fixed residences within the same county?

The person is required to provide, in person, by certified mail or mail with return receipt requested, signed written notice of the change of address to the county sheriff within three business days of moving.

How often must a person who lacks a fixed residence register?

If the person required to register lacks a fixed residence, they must report in person weekly to the sheriff of the county where they are registered and provide an accurate accounting of where he or she stayed during the week.

What constitutes the crime of “Failure to Register”?

Failing to register in Washington state means that an offender had an obligation to register and knowingly failed to comply with **any** of the requirements of [RCW 9A.44.130](#). Please note, that the charge of attempting failure to register is a gross misdemeanor.

Are there other crimes related to failing to register?

The crime of Refusal to Provide DNA is charged when the offender had an obligation to register and willfully refused to comply with a legal request for a DNA sample. [RCW 9A.44.132](#).

What are the penalties for failing to register as a sex or kidnapping offender?

The criminal penalties for failing to register as a sex or kidnapping offender are located within [RCW 9A.44.132](#). The type of penalty depends on the classification of the original offense (misdemeanor, gross misdemeanor or felony) and previous convictions for failing to register.

Class of Original Offense	Previous Failure to Register Convictions	Failure to Register Penalty
Felony Sex Offense	<ul style="list-style-type: none">No previous felony Washington state convictions; orOne previous Washington state conviction, out-of-state, federal or tribal conviction for felony failure to register	Class C Felony
Felony Sex Offense	Two or more previous felony Washington state, out-of-state, federal or tribal convictions for failure to register	Class B Felony
Sex Offense other than a Felony	None	Gross Misdemeanor
Felony Kidnapping Offense	None	Class C Felony
Kidnapping Offense other than a Felony	None	Gross Misdemeanor

Refusal to provide DNA by an offender who has a duty to register is a gross misdemeanor regardless of the classification of the original offense.

OFFENSES REQUIRING SEX OFFENDER REGISTRATION¹

SEX OFFENDER REGISTRATION ([9A.44.140](#))

For further information on duration of registration and relief from registration, refer to [RCW 9A.44.140](#) through [RCW 9A.44.143](#). If the offender is required to register for a federal, tribal or out-of-state conviction, when the offender has spent 15 consecutive years in the community without being convicted of a disqualifying offense during that time, the offender may petition the court for relief from registration.

¹ From the 2015 Adult Sentencing Manual, published by the Caseload Forecast Council and available at <http://www.cfc.wa.gov/Publications.htm>.

LIFETIME REGISTRATION			
Statute (RCW)	Offense	Class	Seriousness Level
Chapter 71.09 RCW	Determined to be a Sexually Violent Predator	NA	NA
9A.44.100(2)(b)	Indecent Liberties - With Forcible Compulsion (If convicted as an adult for an offense committed on or after 6/8/2000.)	A	X
9A.28.020(3)(a)	Indecent Liberties - With Forcible Compulsion – Criminal Attempt (If convicted as an adult for an offense committed on or after 6/8/2000.)	A	X
9A.28.030(2)	Indecent Liberties - With Forcible Compulsion – Criminal Solicitation (If convicted as an adult for an offense committed on or after 6/8/2000.)	A	X
9A.44.040	Rape 1 (If convicted as an adult for an offense committed on or after 6/8/2000.)	A	XII
9A.28.020(3)(a)	Rape 1 – Criminal Attempt (If convicted as an adult for an offense committed on or after 6/8/2000.)	A	XII
9A.28.030(2)	Rape 1 – Criminal Solicitation (If convicted as an adult for an offense committed on or after 6/8/2000.)	A	XII
9A.44.050	Rape 2 (With Forcible Compulsion) (If convicted as an adult for an offense committed on or after 6/8/2000.)	A	XI
9A.28.020(3)(a)	Rape 2 (With Forcible Compulsion) – Criminal Attempt (If convicted as an adult for an offense committed on or after 6/8/2000.)	A	XI
9A.28.030(2)	Rape 2 (With Forcible Compulsion) – Criminal Solicitation (If convicted as an adult for an offense committed on or after 6/8/2000.)	A	XI

INDEFINITE REGISTRATION			
Statute (RCW)	Offense	Class	Seriousness Level
9A.36.021(2)(b)	Assault 2 With a Finding of Sexual Motivation	A	IV
9A.44.083	Child Molestation 1	A	X
9A.28.020(3)(a)	Child Molestation 1 – Criminal Attempt	A	X
9A.28.030(2)	Child Molestation 1 – Criminal Solicitation	A	X
9A.40.030(3)(b)	Kidnapping 2 With a Finding of Sexual Motivation	A	V
9.68A.101	Promoting Commercial Sexual Abuse of a Minor	A	XII
9A.44.040	Rape 1 (For an offense committed prior to 6/8/2000.)	A	XII
9A.28.020(3)(a)	Rape 1 – Criminal Attempt (For an offense committed prior to 6/8/2000.)	A	XII
9A.28.030(2)	Rape 1 – Criminal Solicitation (For an offense committed prior to 6/8/2000.)	A	XII
9A.44.050	Rape 2 (With Forcible Compulsion) (For an offense committed prior to 6/8/2000.)	A	XI
9A.28.020(3)(a)	Rape 2 (With Forcible Compulsion) – Criminal Attempt (For an offense committed prior to 6/8/2000.)	A	XI
9A.28.030(2)	Rape 2 (With Forcible Compulsion) – Criminal Solicitation (For an offense committed prior to 6/8/2000.)	A	XI
9A.44.050	Rape 2 (Without Forcible Compulsion)	A	XI
9A.28.020(3)(a)	Rape 2 (Without Forcible Compulsion) – Criminal Attempt	A	XI
9A.28.030(2)	Rape 2 (Without Forcible Compulsion) – Criminal Solicitation	A	XI
9A.44.073	Rape of a Child 1	A	XII
9A.28.020(3)(a)	Rape of a Child 1 – Criminal Attempt	A	XII
9A.28.030(2)	Rape of a Child 1 – Criminal Solicitation	A	XII
9A.44.076	Rape of a Child 2	A	XI
9A.28.020(3)(a)	Rape of a Child 2 – Criminal Attempt	A	XI
9A.28.030(2)	Rape of a Child 2 – Criminal Solicitation	A	XI
Any Offense Listed Under RCW 9A.44.142(5)			
Any Sex or Kidnapping Offense When the Defendant Already Has One or More Prior Convictions for a Sex or Kidnapping Offense			

15 YEAR REGISTRATION

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.

Statute (RCW)	Offense	Class	Seriousness Level
9A.44.086	Child Molestation 2	B	VII
9.68A.100	Commercial Sexual Abuse of a Minor	B	VIII
9.68A.050(1)	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 1	B	VII
9A.44.132(1)(b)	Failure to Register as a Sex Offender (Third or Subsequent Violation Committed on or After 6/10/2010)	B	II
9A.64.020(1)	Incest 1	B	VI
9A.44.100(2)(a)	Indecent Liberties - Without Forcible Compulsion	B	VII
9A.44.100(2)(b)	Indecent Liberties - With Forcible Compulsion (For an offense committed prior to 6/8/2000.)	B	X
9A.28.020(3)(a)	Indecent Liberties - With Forcible Compulsion – Criminal Attempt (For an offense committed prior to 6/8/2000.)	B	X
9A.28.030(2)	Indecent Liberties - With Forcible Compulsion – Criminal Solicitation (For an offense committed prior to 6/8/2000.)	B	X
9.68A.070(1)	Possession of Depictions of Minor Engaged in Sexually Explicit Conduct 1	B	VI
9A.88.070	Promoting Prostitution 1*	B	VIII
9.68A.060(1)	Sending, Bringing into the State Depictions of Minor Engaged in Sexually Explicit Conduct 1	B	VII
9.68A.040	Sexual Exploitation of a Minor	B	IX
9.68A.075(1)	Viewing Depictions of Minor Engaged in Sexually Explicit Conduct 1	B	IV
No prior convictions for a sex or kidnapping offense			
Current offense is not listed in RCW 9A.44.142(5)			

10 YEAR REGISTRATION

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 fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period.

Statute (RCW)	Offense	Class	Seriousness Level
9A.44.089	Child Molestation 3	C	V
9.68A.090(2)	Communication with Minor for Immoral Purposes (Subsequent Violation or Prior Sex Offense Conviction)	C	III
9A.44.196	Criminal Trespass Against Children	C	Unranked
9A.44.160	Custodial Sexual Misconduct 1	C	V
9.68A.050(2)	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2	C	V
9A.44.132(1)(a)	Failure to Register as a Sex Offender (Second Violation Committed on or After 6/10/2010)	C	II
9A.64.020(2)	Incest 2	C	V
9.68A.070(2)	Possession of Depictions of Minor Engaged in Sexually Explicit Conduct 2	C	IV
9A.88.080	Promoting Prostitution 2*	C	III
9.68A.102	Promoting Travel for Commercial Sexual Abuse of a Minor	C	Unranked
9A.44.060	Rape 3	C	V
9A.44.079	Rape of a Child 3	C	VI
9.68A.060(2)	Sending, Bringing into the State Depictions of Minor Engaged in Sexually Explicit Conduct 2	C	V
9A.44.093	Sexual Misconduct with a Minor 1	C	V
9A.44.105	Sexually Violating Human Remains	C	V
9.68A.075(2)	Viewing Depictions of Minor Engaged in Sexually Explicit Conduct 2	C	Unranked
9A.44.115	Voyeurism	C	II
Violation of RCW 9.68A.090			
Violation of RCW 9A.44.096			
Attempt, solicitation or conspiracy to commit a class C sex offense			
Current offense is not listed in RCW 9A.44.142(5)			
Violation of RCW 9.68A.090			
Violation of RCW 9A.44.096			
Attempt, solicitation or conspiracy to commit a class C sex offense			
Current offense is not listed in RCW 9A.44.142(5)			