

From: Donald Estes <estesdonald2@gmail.com>
To:
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Subject: Domestic Violence Updated Information 12/10/18

Please read this ..

This a Bill that we are hoping to get passed in Washington State this next Session we Are asking for your support . My niece Tina Stewart was murdered on Thanksgiving 2017 in Spokane Washington We are working with Washington State Rep. Brad Klippert and Senator Shelly Short to get this pass both houses Will you Please support this?

This is to all States and to their legislative Body we are asking every State as well as our United States Government to in act a Bill That will Require all Domestic Violence Offenders Register as do Sex Offenders if they have been convicted of a Felony or Two Misdemeanor offence to be on said list .

Congressman Dan Newhouse is the congressman working on Federal Bill
202-225-5816 DC office number
contact person Elizabeth Danniels

their are several States that are working on this

OHIO

Missouri

Montana

New York Caif.

Georgia

Washington State

These are just a few of the states that are already creating a proposal for their state
look this is a tool that will save live our ultimate goal is a national Registry so these Perpitrators will not be able to run State to State Domestic Violence is on the rise and it is time we create this law in every state so we change the direction of this behind the door CRIME

Thank You

Don Estes

509-221-8551

AN ACT Relating to creating a domestic violence offender registry;

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec.

The Legislature finds that domestic violence is a serious and pervasive issue facing many Washington families and communities, and many of the most severe crimes that occur in this state are those involving intimate partner and family violence. Domestic violence offenses carry wide ranging effects, including injury to mental and physical health, erosion of economic and housing

stability, and vicarious victimization of children, who are often bystander-witnesses. Washington state data demonstrates a high rate of re-offense among perpetrators of domestic violence, and there is currently no way of knowing whether any particular person has an offense history in absence of a criminal background check or court records request.

The establishment of a search able public registry of serious domestic violence offenders is an important step toward preventing future victimization and reducing overall rates of domestic violence. The Legislature does not intend for the registry to be punitive or an extension of punishment. Instead, it serves as a reasonable regulatory scheme designed to facilitate public access to identification and relevant criminal history information for a subset of particularly dangerous domestic violence offenders who have committed multiple offenses or the highest level felony offenses. Members of the public have a compelling interest in identifying serious domestic violence offenders so that they may make informed decisions in furtherance of personal security.

NEW SECTION. Sec. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Conviction" means any adult conviction, juvenile adjudication, or finding of not guilty by reason of insanity.

(2) "Disqualifying offense" means a conviction for any felony or any domestic violence offense.

(3) "Domestic violence offense" means any conviction for a crime in which domestic violence as defined in RCW 9.94A.030 was pleaded and proven.

(4) "Qualifying domestic violence offense" means a conviction for any domestic violence offense that either:

(a) is a class A felony; or

(b) is not a class A felony and the convicted person has any prior conviction for a domestic violence offense or any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a domestic violence offense if the offense occurred in Washington.

(5) "Serious domestic violence offender" means any person who is convicted of a qualifying domestic violence offense and ordered to appear on the serious domestic violence offender registry established under section 4 of this act.

NEW SECTION. Sec. (1) On or after the effective date of this act, when a person is convicted of a qualifying domestic violence offense, the court must enter an order designating the person a serious domestic violence offender and requiring that the person appear on the serious domestic violence offender registry created in section 4 of this act.

(2) A court entering an order under subsection (1) of this section shall provide notice to the person of his or her status as a serious domestic violence offender and that he or she will appear on the serious domestic violence offender registry for the applicable time period established in section 5 of this act. The notice must be included on any guilty plea forms and judgment and sentence forms provided to the person.

(3) The clerk of the court in which the person was convicted of the qualifying domestic violence offense must forward, electronically or otherwise, to the Washington state patrol, a copy of the judgment and sentence and, to the extent known, the information set out in 4(2) of this act.

Sec. A new section is added to chapter 43.43 RCW:

(1) The Washington state patrol must maintain a central registry of serious domestic violence offenders. The central registry must be made available to the public through a search able website.

(2) To the extent information is available, the website must contain, but is not limited to, the following information pertaining to each serious domestic violence offender:

(a) name;

(b) date of birth;

(c) all domestic violence offense convictions, including conviction dates and county and state of conviction;

(d) address by hundred block;

(e) photograph; and

(f) any other identifying data the Washington State Patrol deems necessary for the public to properly identify the person, but shall not include the person's social security number.

(3) The Washington State Patrol may use any verified photo of the serious domestic violence offender that is available, including but not limited to the photograph taken at the offender's booking.

NEW SECTION. Sec.

A serious domestic violence offender shall continue to appear on the serious domestic violence offender registry for the longest qualifying duration provided in this section.

(1) A serious domestic violence offender shall appear on the registry indefinitely when:

(a) The offender's present qualifying domestic violence offense conviction is for a class A felony; or

(b) The offender was previously convicted of a domestic violence offense that is a class A felony or has one or more prior federal or out of state convictions for an offense that would be a class A felony domestic violence offense if committed in Washington.

(2) Unless subsection (1) of this section applies, a serious domestic violence offender shall appear on the registry for a period of fifteen consecutive years in the community without being convicted of a disqualifying offense when:

(a) The offender's present qualifying domestic violence offense conviction is for a class B felony; or

(b) The offender was previously convicted of a domestic violence offense that is a class B felony or has one or more prior federal or out of state convictions for an offense that would be a class B felony domestic violence offense if committed in Washington.

(3) Unless subsection (1) or (2) of this section applies, a serious domestic violence offender shall appear on the registry for a period of ten consecutive years in the community without being convicted of a disqualifying offense.

(4) The time periods in subsections (2) and (3) of this section run from the last date of release from confinement following the conviction for the qualifying offense, if any, or the date of entry of the judgment and sentence for the qualifying offense, whichever is later.

(5) Nothing in this section prevents a person from being relieved of the duty to register under section 7 of this act.

(6) Nothing in RCW 9.94A.637 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her inclusion on the serious domestic violence offender registry pursuant to this chapter.

NEW SECTION. Sec.

(1) Upon the request of a person who appears on the serious domestic violence offender registry, the Washington state patrol shall investigate whether the person's registration period has ended by operation of law pursuant to section 5 of this act.

(a) Using available records, the Washington state patrol shall verify that the person has spent the requisite time in the community and has not been convicted of a disqualifying offense during that time.

(b) If the Washington state patrol determines the person's registration period has ended by operation

of law, the Washington state patrol shall remove the person from the central registry.

(2) Nothing in this subsection prevents the Washington state patrol from investigating, upon its own initiative, whether a person's registration period has ended by operation of law pursuant to section 5 of this act.

(3) The Washington state patrol and its employees are immune from civil liability for damages for removing a person from the central registry of serious domestic violence offenders or the failure to remove or a person from the registry according to the time frames provided in section 5 of this act.

NEW SECTION. Sec. (1) Except as provided in subsection (2) this section, a serious domestic violence offender may petition the superior court for removal from the serious domestic violence offender registry when he or she has spent ten consecutive years in the community without being convicted of a disqualifying offense during that time period.

(2) A serious domestic violence offender whose appearance on the serious domestic violence offender registry is based exclusively on one or more domestic violence offenses committed as a juvenile may petition for removal from the serious domestic violence offender registry under the following time lines:

(a) If the offense or offenses requiring registration include any class A felony domestic violence offenses, the offender may petition when: (i) at least five years have passed since the petitioner's adjudication and completion of any term of confinement for the offense or offenses giving rise to inclusion on the registry; and (ii) the petitioner has not been adjudicated or convicted of any additional domestic violence offenses within the five years before the petition.

(b) For all other domestic violence offenses committed by a juvenile not included in subsection (a) of this section, the offender may petition when:

(i) At least twenty-four months have passed since the petitioner's adjudication and completion of any term of confinement for the offense giving rise to inclusion on the registry; and (ii) the petitioner has not been adjudicated or convicted of any additional domestic violence offenses within the twenty-four months before the petition.

(3) A petition for relief from registration must be made to the court in which the petitioner was ordered to be included on the serious domestic violence offender registry. The prosecuting attorney of the county must be named and served as the respondent in any petition. The prosecuting attorney must make reasonable efforts to notify the victim via the victim's choice of telephone, letter, or email, if known.

(4)(a) The court may order the petitioner's removal from the registry only if the petitioner shows by clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal from the registry. If the petitioner's inclusion on the registry is based entirely on offenses committed while the petitioner was a juvenile, the petitioner's burden of proof shall be a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the registry.

(b) 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:

(i) The nature of the domestic violence offenses committed, including the number of victims and the length of the offense history;

(ii) Any subsequent criminal history;

(iii) The petitioner's compliance with any applicable supervision requirements;

(iv) The length of time since the charged incident(s) occurred;

(v) Any input from community corrections officers, law enforcement, treatment providers, or other criminal justice professionals;

(vi) The petitioner's stability in employment and housing;

(vii) The petitioner's community and personal support system;

(viii) Any risk assessments or evaluations prepared by a qualified professional; and

(ix) Any other factors the court may consider relevant.

(5) If a person is granted an order of removal from the registry pursuant to this section, the order of removal 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.

(6) If the court orders removal from the registry, the court must send a copy of the order to the Washington state patrol. The Washington state patrol must remove the person from the registry within thirty calendar days.

NEW SECTION. Sec. (1) The Washington state patrol must notify registered serious domestic violence offenders of any changes to the registration requirements.

(2) No less than annually, the Washington state patrol must notify any offender included on the serious domestic violence offender registry for one or more offenses committed exclusively when the offender was a juvenile of their ability to petition for relief from registration as provided in section 7 of this act.

(3) For economic efficiency, the Washington state patrol may combine the notices in this section into one notice.

NEW SECTION. Sec. A serious domestic violence offender who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the Washington state patrol not fewer than five days before the entry of an order granting the name change. A serious domestic violence offender may not be granted an order changing his or her name under RCW 4.24.130 or any other law if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order may be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A court granting an order changing the name of a serious domestic violence offender must submit a copy of the order to the Washington state patrol within seventy-two hours of the entry of the order.

Sec. RCW 4.24.130 and 1998 c 220 s 5 are each amended to read as follows:

(1) Any person desiring a change of his or her name or that of his or her child or ward, may apply therefor to the district court of the judicial district in which he or she resides, by petition setting forth the reasons for such change; thereupon such court in its discretion may order a change of the name and thenceforth the new name shall be in place of the former.

(2) An offender under the jurisdiction of the department of corrections who applies to change his or her name under subsection (1) of this section shall submit a copy of the application to the department of corrections not fewer than five days before the entry of an order granting the name change. No offender under the jurisdiction of the department of corrections at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate penological interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. An offender under the jurisdiction of the department of corrections who receives an order changing his or her name shall submit a copy of the order to the department of corrections within five days of the entry of the order. Violation of this subsection is a misdemeanor.

(3) A sex offender subject to registration under RCW 9A.44.130 who applies to change his or her name under subsection (1) of this section shall follow the procedures set forth in *RCW 9A.44.130(6).

(4) A serious domestic violence offender subject to registration under section 3 of this act who applies to change his or her name under subsection (1) of this section shall follow the procedures set forth in section 9 of this act.

(5) The district court shall collect the fees authorized by RCW 36.18.010 for filing and recording a

name change order, and transmit the fee and the order to the county auditor. The court may collect a reasonable fee to cover the cost of transmitting the order to the county auditor.

((5)) (6) Name change petitions may be filed and shall be heard in superior court when the person desiring a change of his or her name or that of his or her child or ward is a victim of domestic violence as defined in **RCW 26.50.010(1)** and the person seeks to have the name change file sealed due to reasonable fear for his or her safety or that of his or her child or ward. Upon granting the name change, the superior court shall seal the file if the court finds that the safety of the person seeking the name change or his or her child or ward warrants sealing the file. In all cases filed under this subsection, whether or not the name change petition is granted, there shall be no public access to any court record of the name change filing, proceeding, or order, unless the name change is granted but the file is not sealed.

NEW SECTION. Sec. The Washington state patrol may adopt rules necessary to implement this chapter and section 4 of this act.

NEW SECTION. Sec. Sections 2, 3, 5 through 9, and 11 of this act constitute a new chapter in Title 10.99 RCW.