



August 17, 2011

SORNA Substantial Implementation Review State of Washington

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) would like to thank the State of Washington for the extensive work that has gone into its effort to substantially implement Title I of the Adam Walsh Act, the Sex Offender Registration and Notification Act (SORNA). The SMART Office has completed its review of Washington's SORNA substantial implementation packet and has found the State of Washington to have not substantially implemented SORNA.

On July 25, 2011, the Washington State Governor's Executive Policy Office submitted a completed Substantial Implementation Checklist-Revised, along with relevant statutes and codes, Washington State Model Policy for Law Enforcement Regarding Adult and Juvenile Sex Offender Registration and Community Notification policies, a comparison of Washington State sex offenses with SORNA sex offenses, information on prospective state and tribal working relationships, and other supporting documentation.

Our review of the submitted materials follows the outline of the SMART Office Substantial Implementation Checklist-Revised, and contains 15 sections addressing the SORNA requirements. Under each section, we indicate whether Washington meets or does not meet SORNA requirements of that section or deviates from the requirements in some way. In instances of deviation, we specify that the departure(s) from a particular requirement does not substantially disserve the purpose of that requirement. In other words, Washington is encouraged to work toward rectifying deviations from requirements in order to achieve full implementation of SORNA, but this is not necessary for substantial implementation purposes.

This is an exhaustive review and meant to detail every area in which the state has not met SORNA standards. We encourage you to review the information below, share it with relevant stakeholders in the state, and get back in touch with us to develop a strategy to address these remaining issues.

I. Immediate Transfer of Information

SORNA requires that when an offender initially registers and/or updates his information in a jurisdiction, that the initial registration information/updated information be immediately sent to other jurisdictions where the offender has to register, as well as to NCIC/NSOR and the jurisdiction's public sex offender registry website.

Washington meets all of the SORNA requirements in this section.

II. Offenses that Must Be Included in the Registry

SORNA requires that certain federal, military, and foreign offenses be included in a jurisdiction's registration scheme. In addition, SORNA requires that the jurisdiction capture certain sex offenses, both offenses from its jurisdiction and from other SORNA registration jurisdictions, in its registration scheme. SORNA also requires that certain adjudications of delinquency are included in a jurisdiction's registration scheme.

Washington's registration scheme captures most offenses required by SORNA, with exceptions. Washington requires registration for:

- Out-of-state convictions for an offense for which the person would be required to register as a sex offender while residing in the state of conviction; or, if not required to register in the state of conviction, an offense that under the laws of Washington State would be classified as a sex offense.
- Any federal conviction classified as a sex offense under 42 USC § 16911;
- Any military conviction for a sex offense. This includes sex offenses under the uniform code of military justice, as specified by the United States secretary of defense;
- Any conviction in a foreign country for a sex offense if it was obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established pursuant to 42 USC § 16912.

While these provisions will capture many of the offenses required to be registered by SORNA, this scheme deviates from SORNA requirements. It appears that offenses committed in the District of Columbia, a United States territory, or any tribe¹ operating as a SORNA registration jurisdiction will not be captured in this scheme, unless it is an offense substantially similar to a Washington State sex offense.

These deviations do not substantially disserve the purposes of these requirements in this section.

III. Tiering of Offenses

SORNA requires that offenses be classified based on the nature of the offense of conviction, established through a baseline three-tier classification system. While Washington State does utilize a three-category system (10-year, 15-year, and lifetime registration offenses) for registration purposes, this structure does not meet the minimum requirements identified in SORNA,² nor does Washington correctly classify many of its offenders in the appropriate categories.

¹ See Section XV of this report for information about Washington's efforts to include registration information from the 29 tribes located within the state.

² See Section IX of this report for more information about Washington's duration and frequency of appearance structure as it compares to SORNA.

For example, many 10 and 15-year registration offenses in Washington State should be classified as SORNA Tier II offenses (25-year registration), including:

- RCW 9.68A.040. Sexual Exploitation of a Minor
- RCW 9.68A.050. Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct
- RCW 9.68A.060. Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct
- RCW 9.68A.090 (1) and (2). Communication with a Minor for Immoral Purposes (Second or Subsequent Offense or Prior Sex Offense)
- RCW 9.68A.100. Commercial Sexual Abuse of a Minor
- RCW 9.68A.101. Promoting Sexual Abuse of a Minor
- RCW 9.68A.102. Promoting Travel for Commercial Sexual Abuse of a Minor
- RCW 9A.44.060. Rape 3 (if victim 16 – 17 years of age)
- RCW 9A.44.086. Child Molestation 2
- RCW 9A.44.089. Child Molestation 3
- RCW 9A.44.093. Sexual Misconduct with a Minor 1 (if victim 16 – 17 years of age)
- RCW 9A.64.020. Incest 1 (if victim 16 – 17 years of age)
- RCW 9A.64.020. Incest 2 (if victim 13 – 17 years of age)
- RCW 9A.88.070. Promoting Prostitution 1 (if victim under 18 years of age)

Additionally, several 10 and 15-year registration offenses in Washington State should be classified as SORNA Tier III offenses (lifetime registration), including:

- RCW 9A.44.060. Rape 3 (if the victim was under 16 years of age)
- RCW 9A.44.079. Rape of a Child 3
- RCW 9A.44.093. Sexual Misconduct with a Minor 1 (if the victim was under 16 years of age)
- RCW 9A.44.100. Indecent Liberties (with Forcible Compulsion)
- RCW 9A.64.020. Incest 1 (if the victim was under 16 years of age)
- RCW 9A.64.020. Incest 2 (if the victim was under 13 years of age)

For clarification purposes, the SMART Office has reviewed all statutes identified in Washington's registration and notification scheme and has placed these statutes within the SORNA three tier levels (see attached "Washington Offense Tiering Review" for a detailed analysis regarding this subsection of the review).

Because Washington does not correctly classify the majority of its offenses in the minimum SORNA tiering structure, Washington does not meet the SORNA requirements of this section.

IV. Required Registration Information

SORNA requires that the jurisdiction collect certain pieces of information from and for each offender that it registers, and requires that the jurisdiction keep that registration information, in a digitized form, in its registry. Washington does not collect and keep the following information required by SORNA in its registry:

- Driver's license information
- Internet identifiers, including email addresses, instant message addresses, or other designations used by sex offenders for self-identification in Internet communications or postings
- Palm prints
- Passports and immigration documents
- Phone numbers
- Professional licensing information
- Vehicle information

Because Washington does not capture and maintain the necessary information from registered sex offenders in its sex offender registry, Washington does not meet the SORNA requirements of this section.

V. Where Registration is Required

SORNA requires that the jurisdiction register an offender if the jurisdiction is the one in which he is convicted or incarcerated. In addition, SORNA requires that the jurisdiction register offenders who reside, work, or attend school in the jurisdiction.

Washington meets all of the SORNA requirements in this section.

VI. Initial Registration: Generally

SORNA requires that when an offender is incarcerated within the jurisdiction, that registration occur before release from imprisonment for the registration offense. Similarly, when an offender is sentenced within the jurisdiction, but not incarcerated, SORNA requires that registration occur within three business days of sentencing. Finally, when an offender has been convicted, sentenced, or incarcerated in another jurisdiction (including federal or military court), the jurisdiction must register the offender within three business days of the offender establishing residence, employment, or school attendance within the jurisdiction. SORNA also requires that, during the initial registration process, the jurisdiction inform the offender of his registration duties and require the offender to acknowledge in writing that he understands those duties.

Washington meets all of the SORNA requirements in this section.

VII. Initial Registration: Retroactive Classes of Offenders

SORNA requires that each registration jurisdiction have a procedure in place to recapture three categories of sex offenders: those who are currently incarcerated or under supervision, either for the predicate sex offense or for some other crime; those who are already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law; and those who reenter the jurisdiction's criminal justice system because of a conviction for some other felony crime (whether or not it is a sex offense). Washington's retroactive provisions deviate from SORNA requirements.

Washington's registration scheme applies to individuals convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, kidnapping offenders who were convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, and to offenders who were under some form of criminal or juvenile justice supervision or custody for sex offenses committed before, on, or after February 28, 1990. This application captures most of the offenders SORNA intends, with the exception of capturing those offenders who reenter the criminal justice system for some other non-sex offense.

To meet SORNA's requirements in this section, Washington will also need to capture those individuals who committed qualifying registerable sex offenses prior to February 28, 1990, and who are not under some form of correctional supervision, that reenter the criminal justice system because of a conviction based on another felony crime.

This deviation does not substantially disserve the purposes of the requirement in this section.

VIII. Keeping the Registration Current

SORNA requires that when an offender resides in a jurisdiction, that the sex offender immediately appear in-person to update his or her name, residence, employment, school attendance, and termination of residence. SORNA also requires that when an offender resides in a jurisdiction, that the sex offender immediately update any changes to his or her email addresses, internet identifiers, telephone communications, vehicle information, and temporary lodging information.

When an offender works in a jurisdiction, but does not reside or attend school there, SORNA requires that the offender immediately appear in-person to update employment-related information. When an offender attends school in a jurisdiction, but does not reside or work there, SORNA requires that the offender immediately appear in-person to update school-related information.

SORNA also requires that when an offender resides in a jurisdiction but indicates to the state that he/she intends to travel outside the United States, that the offender notify the residence jurisdiction at least 21 days in advance of such travel.

In addition, SORNA requires that when an offender notifies the jurisdiction of his intent to relocate to another country to live, work or attend school, or of his intent to travel to another country, that the jurisdiction do three things: immediately notify any other jurisdiction where the offender is either registered, or is required to register, of that updated information; immediately notify the United States Marshals Service, and immediately update NCIC/NSOR.

Washington's statutes and policies meet most of the SORNA requirements in this section, with exceptions. Registered sex offenders in Washington are not required to report immediately to the registering agency changes in email addresses, instant message addresses or other internet identifiers, and vehicle information.

Washington does not require registered sex offenders to provide 21 day advance notice of international travel as required by the SORNA Supplemental Guidelines, published on January 11, 2011. Given that the SORNA Supplemental Guidelines were published recently, we expect Washington to adopt this requirement in the near future and notify the SMART Office once the requirement is met.

These deviations do not substantially disserve the purposes of the requirements in this section.

IX. Verification/Appearance Requirements

SORNA requires that offenders register for a duration of time and make in-person appearances at the registering agency, based on the tier of the offense of conviction: Tier I offenders register for a minimum of 15 years and annually verify registration information, Tier II offenders register for a minimum of 25 years and semi-annually verify registration information, and Tier III offenders register for life and quarterly verify registration information.

Washington deviates from SORNA requirements in its application of registration duration and in its method of determining how often registered sex offenders must report in-person to verify registration information (see Appendix: Washington State Offense Tiering Review). Washington has three categories of registrants, in which duration of registration is based on offense class:

1. 10 years:
 - Class C Felony sex offense and some gross misdemeanors sex offenses.
2. 15 years:
 - Class B Felony Sex Offense
3. Lifetime/Indefinitely:
 - Class A felony, or
 - Offense listed in RCW 9A.44.142(5) , or
 - One or more prior convictions for a sex or kidnapping offense.

In Washington State, frequency of verification is determined through a risk assessment process, conducted by the End of Sentence Review Committee (if the offender is released from

the Department of Corrections or Department Social and Health Services). Otherwise, law enforcement completes the risk assessment tool. Once completed, the offender is assigned to one of three levels of risk and corresponding verification:

- Level I: Law Enforcement is required to conduct face-to-face address verifications once a year.
- Level II: Law Enforcement is required to conduct face-to-face address verifications twice a year.
- Level III: Law Enforcement is required to conduct face-to-face address verifications quarterly.

Reduction of Registration Periods

SORNA provides for two classes of offenders to have a reduced registration period, provided specific requirements are met: Tier I offenders may petition after 10 years with a “clean record” and Tier III required to register because of a juvenile adjudication may petition after 25 years with a “clean record”.

Washington State’s process for reduction of Tier III juveniles’ registration periods deviates from SORNA requirements. Washington allows for offenders required to register because of a juvenile adjudication to apply for relief of duty to register. For juveniles adjudicated delinquent for Class A sex or kidnapping offenses committed when they were 15 years of age or older, the court may relieve them of the duty to register after five years. For all other juveniles required to register because of an adjudication for a sex or kidnapping offense, the court may relieve them of the duty to register after two years. Washington State’s process for reduction of Tier III juvenile registration periods does not substantially disserve SORNA requirements in this section.

However, because Washington does not meet the minimum duration of registration requirements and because it does not base in-person verifications upon offense of conviction, Washington does not meet the SORNA requirements of this section.

X. Public Registry Website Requirements

SORNA requires that each jurisdiction maintain a public sex offender registry website and publish certain registration information on that website. SORNA also requires that certain information not be displayed on a jurisdiction’s public registry website.

Washington’s public registry website requirements deviate from SORNA requirements in several ways. In Washington State, public notification is determined through a risk assessment process. Sex offenders are assigned to one of three levels of risk; all level II and III sex offenders and those level I offenders who are out of compliance with registration requirements are posted on the state’s public sex offender registry website. To meet this provision of SORNA, Washington must post information about all registered sex offenders, excluding SORNA Tier I offenders whose offenses did not involve minors, on its public registry website.

In addition, Washington's public registry website does not display the following information required by SORNA:

- Resident address (the website only lists address information to the "hundred block," not the exact address.)
- Employer address
- School address
- Vehicle(s) information, including license plate number(s) and vehicle description(s)

Because Washington does not make available information regarding an offender's employment address, school address, and vehicle information, Washington does not meet the SORNA requirements of this section.

XI. Community Notification

SORNA requires that each jurisdiction disseminate certain initial and updated registration information to particular agencies within the jurisdiction. In addition, SORNA requires that each jurisdiction also disseminate certain initial and updated registration information to the community. Washington's community notification scheme deviates from SORNA requirements in two ways.

First, Washington does not monitor or utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status. Use of the SORNA Exchange Portal is required by the SORNA Supplemental Guidelines, published on January 11, 2011. Given that the SORNA Supplemental Guidelines were published recently, we expect Washington to adopt this requirement in the near future and notify the SMART Office once the requirement is met.

Second, though Washington does provide email and direct notification to the public about risk Level II and III sex offender residences,³ the State does not provide notification, as required by SORNA, to the general public whenever a sex offender commences employment or school attendance in a jurisdiction.⁴

These deviations do not substantially disserve the purposes of these requirements in this section.

³ Law enforcement may disclose information upon request to any victim or witness to the offense and any individual community member who lives near a Level I offender's residence or where the Level I offender expects to reside or is regularly found.

⁴ Per email correspondence with Joanne Arlow and Dawn Larsen of the Washington Association of Sheriffs and Police Chiefs on August 9, 2011, some jurisdictions in the state do post locations, as permitted by statute, of where the offender "is regularly found" as a secondary address. This can include employment locations. Additionally, members of the public – if they are community members living near an offender's residence, near where the offender expects to reside, or near a location where an offender is regularly found – may visit a law enforcement agency and make a request, for registration information. Finally, Washington residents may make public records requests for sex offenders through the Washington State Patrol Criminal History Division rather than the sheriff offices; however, the State Patrol does release exact address information.

XII. Failure to Register as a Sex Offender: State Penalty

SORNA requires that each jurisdiction, other than a federally recognized Indian tribe, provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a sex offender to comply with their registration requirements. In Washington, a juvenile or adult conviction for failure to register carries a mandatory 12-month sentence of community custody for the first conviction and 36 months for the second and subsequent convictions.

This deviation does not substantially disserve the purposes of this requirement in this section.

XIII. When a Sex Offender Fails to Appear for Registration

SORNA requires that when a jurisdiction is notified that a sex offender intends to reside, be employed, or attend school in its jurisdiction, and that offender fails to appear for registration as required, that the jurisdiction receiving that notice inform the originating jurisdiction (the jurisdiction that provided the initial notification) that the sex offender failed to appear for registration.

Washington meets all of the SORNA requirements in this section.

XIV. When a Jurisdiction has Information that a Sex Offender may have Absconded

SORNA requires that when a jurisdiction has information that a sex offender may have absconded, that the jurisdiction take certain actions to investigate the absconder and notify various law enforcement agencies.

Washington meets all of the SORNA requirements in this section.

XV. Tribal Considerations

According to Washington State officials, several tribes and county law enforcement agencies currently have memoranda of understanding regarding the tracking and monitoring of sex offenders from tribes. Officials have indicated that in the last few years, Washington State has increased its efforts in developing the necessary relationships between tribes and law enforcement to effectively track and monitor sex offenders. These efforts include participating in several forums, teleconferences, and informal discussions with tribes about how best to implement SORNA in light of the differences between Washington State's registration and notification system and the tribes' systems.

Dawn Larsen from the Washington Association of Sheriffs and Police Chiefs has been working with tribes to help link tribal sex offender registration with the state registration system

and with the national registry. Washington State Sex Offender Policy Board staff has assisted tribes in the development of their SORNA implementation packets as well. However, the State has not provided SMART with details about information sharing arrangements, including include DNA, Fingerprints, Criminal History, and Corrections Information.

The primary State contact for tribal issues is:

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Director of Projects
Washington Association of Sheriffs and Police Chiefs
3060 Willamette Dr. NE
Lacey, WA 98516
(360) 486-2419

The points of contact for the Tribes are:

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Scott Freeman
Community Resource Officer
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Oakville, WA 98568
(360) 273-1691

The Confederated Tribes of the Colville
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Timothy W. Woolsey
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(509) 634-2383

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No Point of Contact

Jamestown S'Klallam Tribal Council
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(360) 681-4657

Kalispel Business Committee
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(509) 481-2151

Lower Elwha Tribal Council
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Lummi Indian Business Council
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As the SMART Office continues to work with Washington on SORNA implementation, we will notify the tribes within the state of any processes, policies, or procedures that facilitate the sharing of criminal justice information with the tribes.

Conclusion

Washington has put forth exceptional work and effort in adopting SORNA and enhancing its sex offender registration and notification system. However, there many are provisions identified in this report that should be addressed in order for Washington to substantially implement SORNA.

We encourage you to contact the SMART Office with any questions or concerns once you have had the opportunity to review and discuss our findings.

Appendix: Washington State Offense Tiering Review

The SMART Office has reviewed all Washington statutes identified in its substantial implementation submission package and has identified Washington's placement of these statutes within the tiering structure created in Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA). It should be noted that SORNA requires all attempts, conspiracies, and solicitations to mirror requirements of the actual offense. Unless indicated in the notes herein, the SMART office has not reviewed any statutes (or subsections) that were not included in the legislation provided by Washington. It is possible that other offenses will need to be included in Washington's sex offender registry to substantially implement SORNA. For more guidance on SORNA classes of offenders, see 42 USC § 16911 and Section V (pages 21-25) of the National Guidelines for Sex Offender Registration and Notification (June 2008).

In reviewing the Revised Code of Washington, the SMART Office understands that Washington has essentially three categories of registrants, in which duration of registration is based on offense class:

1. Lifetime/Indefinitely if:
 - Class A felony, or
 - Offense listed in RCW 9A.44.142(5) , or
 - One or more prior convictions for a sex or kidnapping offense.
2. 15 years if:
 - Class B Felony Sex Offense
3. 10 years:
 - Class C Felony sex offense and some gross misdemeanors sex offenses.

Frequency of verification is determined through a risk assessment process, conducted by the End of Sentence Review Committee if the offender is released from the Department of Corrections or Department Social and Health Services. Otherwise, law enforcement completes the risk assessment tool. Once completed, the offender is assigned to one of three levels of risk and corresponding verification:

- Level I: Law Enforcement is required to conduct face-to-face address verifications once a year.
- Level II: Law Enforcement is required to conduct face-to-face address verifications twice a year.
- Level III: Law Enforcement is required to conduct face-to-face address verifications quarterly.

The following sections describe how Washington State's sex offenses fit within SORNA's offense-based tiering structure.

SORNA TIER I

The following Washington State offenses fall under SORNA Tier I, thereby requiring registration for a minimum of 15 years with yearly in-person verification:

- RCW 9.68A.070. Possession of Depictions of a Minor 1
- RCW 9.68A.070. Possession of Depictions of a Minor 2
- RCW 9.68A.075. Viewing Depictions of a Minor 1
- RCW 9.68A.075. Viewing Depictions of a Minor 2
- RCW 9.68A.090. Communication with a Minor for Immoral Purposes
- RCW 9A.44.060. Rape 3
 - Note: this offense would fall under SORNA Tier I if the victim was over the age of 17, otherwise it is a SORNA Tier III offense
- RCW 9A.44.096. Sexual Misconduct with a Minor 2
- RCW 9A.44.115. Voyeurism
- RCW 9A.44.160. Custodial Sexual Misconduct 1
 - Note: this offense would fall under SORNA Tier I if it was non-forcible
- RCW 9A.64.020. Incest 1
 - Note: this offense would fall under SORNA Tier I if the victim was over the age of 17 and it was non-forcible
- RCW 9A.64.020. Incest 2
 - Note: this offense would fall under SORNA Tier I if the victim was over the age of 17

SORNA TIER II

The following Washington State offenses fall under SORNA Tier II, thereby requiring registration for a minimum of 25 years with in-person verification required every 6 months:

- RCW 9.68A.040. Sexual Exploitation of a Minor
- RCW 9.68A.050. Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 1
- RCW 9.68A.050. Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2
- RCW 9.68A.060. Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct
- RCW 9.68A.090 (1) and (2). Communication with a Minor for Immoral Purposes (Second or Subsequent Offense or Prior Sex Offense)
 - Note: this offense falls under SORNA Tier II because of recidivist provision
- RCW 9.68A.100. Commercial Sexual Abuse of a Minor
- RCW 9.68A.101. Promoting Sexual Abuse of a Minor
- RCW 9.68A.102. Promoting Travel for Commercial Sexual Abuse of a Minor
- RCW 9A.44.060. Rape 3
 - Note: this offense would fall under SORNA Tier II if the victim was age 16 - 17
- RCW 9A.44.086. Child Molestation 2

- RCW 9A.44.089. Child Molestation 3
- RCW 9A.44.093. Sexual Misconduct with a Minor 1
 - Note: this offense would fall under SORNA Tier II if the victim was age 16 - 17
- RCW 9A.64.020. Incest 1
 - Note: this offense would fall under SORNA Tier II if the victim was age 16 - 17
- RCW 9A.64.020. Incest 2
 - Note: this offense would fall under SORNA Tier II if the victim was age 13 - 17
- RCW 9A.88.070. Promoting Prostitution 1
 - Note: this offense would fall under SORNA Tier II if the victim was under the age of 18

SORNA TIER III

The following Washington State offenses fall under SORNA Tier III, thereby requiring registration for life with in-person verification required every 3 months:

- RCW 9A.40.030. Kidnapping 2 with Sexual Motivation
- RCW 9A.44.040 and 045. Rape 1
- RCW 9A.44.050. Rape 2
- RCW 9A.44.060. Rape 3
 - Note: this offense would fall under SORNA Tier III if the victim was under the age of 16
- RCW 9A.44.073. Rape of a Child 1
- RCW 9A.44.076. Rape of a Child 2
- RCW 9A.44.079. Rape of a Child 3
- RCW 9A.44.083. Child Molestation 1
- RCW 9A.44.093. Sexual Misconduct with a Minor 1
 - Note: this offense would fall under SORNA Tier III only if the victim was under the age of 16
- RCW 9A.44.100. Indecent Liberties (with Forcible Compulsion)
- RCW 9A.64.020. Incest 1
 - Note: this offense would fall under SORNA Tier III only if the victim was under the age of 16
- RCW 9A.64.020. Incest 2
 - Note: this offense would fall under SORNA Tier III only if the victim was under the age of 13

Further Review

In reviewing the statutes that Washington cited as those that are registerable offenses under Washington's registration scheme, the SMART office did notice offenses that do not require registration under SORNA:

- RCW 9A.44.132. Failure to Register as a Sex Offender (First two convictions)

- RCW 9A.44.132. Failure to Register as a Sex offender (two or more prior FTR convictions)
- RCW 9A.44.196. Criminal Trespass Against Children
- RCW 9A.88.010. Indecent Exposure
- RCW 9A.44.105. Sexually Violating Human Remains

For the following offenses involving sexual motivation, it is important to note that attempts or conspiracies mirror the commission of an offense under SORNA. Inchoate or preparatory offenses that are directed to the commission of sexual contact offenses against minors are considered Tier II under SORNA.

- RCW 9A.36.021. Assault 2 with Sexual Motivation
- RCW 9A.36.130. Assault of a Child 2 with Sexual Motivation