

REQUEST TO WAIVE SEX / KIDNAPPING OFFENDER REGISTRATION
INSTRUCTIONS

ADULT CONVICTION CASES ONLY

(If a case involves a juvenile conviction, please ask for the juvenile packet)

(Please read this form carefully before proceeding)

1. **PRO SE APPLICATION:** You are entitled to make this application and request waiver without the assistance of an attorney to represent you. Should you choose to hire an attorney, he or she can assist with the application, can provide consultation and legal advice, can answer any questions you may have during the process, and, can advocate for you throughout the process including court hearings.

The Kitsap County Clerk's Office can not answer legal questions, give you legal advice, nor advocate on your behalf. The information provided in this document is *not* legal advice. It is meant only to assist you in understanding the process and the minimum requirements necessary to make application for waiver. You should consult with an attorney if you have legal questions or need legal advice.

2. **JURISDICTION:** You may petition the Kitsap County Superior Court for waiver if the conviction for the offense that requires registration was in Kitsap County. If the conviction for the offense that requires petitioner to register was in Washington State, but outside Kitsap County, the petition must be filed in the county in which the petitioner was convicted. If the conviction requiring petitioner to register was outside Washington State, or, was in a federal or military court, or foreign country, then the petition must be filed in the county where the petitioner is registered at the time the petition is sought. NOTE: If you are registered as the result of a federal or out-of-state conviction, you may request the county sheriff removal of your name from the central registry if: (i) a court in your state of conviction has made an individualized determination that you should not be required to register; and, (ii) you provide proof of relief from registration to the county sheriff. If the county sheriff determines you have been relieved of the duty to register in your state of conviction, the county sheriff shall request the Washington State Patrol remove your name from the central registry.
3. **PROCESSING FEE (\$25.00):** There is a twenty-five dollar (\$25.00) processing fee paid to the Kitsap County Clerk who will provide you with a copy of the case docket, all necessary forms and filings. In addition, the Clerk's Office will provide copies of the documents for service, and, certified copies of the order upon successful waiver. The \$25.00 fee must be paid in advance.
4. **REQUIRED DOCUMENTS:** Upon payment of the \$25 fee, the Clerk's Office will provide you with four (4) form documents necessary to make application for the waiver. These four documents consist of:
 - (i) PETITION FOR RELIEF – This provides notice of the grounds upon which you request waiver;
 - (ii) NOTE FOR HEARING – This provides notice of the time and place of the hearing;
 - (iii) DECLARATION OF SERVICE – This verifies that you have served the proper agencies; and,
 - (iv) ORDER GRANTING RELIEF - which, upon acceptance by the court, orders the waiver.

You begin by completing the "Petition for Relief" and obtaining a criminal history record or "rap sheet." When these are done, you return to the Clerk's Office with all your documents.

5. **CRIMINAL HISTORY RECORD:** A criminal history record or "rap sheet" must be obtained from the Washington State Patrol and submitted at the time you file your Petition with the Clerk's Office. You may obtain the rap sheet by contacting the Washington State Patrol, either in person by visiting the local office, or via the internet. The Washington State Patrol Access to Criminal History website is: <https://watch.wsp.wa.gov/>.

If you have questions or inquiries about your criminal history rap sheet, or the information contained therein, you should direct them to the Washington State Patrol. Inquiries may be sent by email to: crimhis@wsp.wa.gov. To ensure a response, please include your name, daytime telephone number, e-mail address, and postal address. Additional questions or inquiries about criminal history, especially out of state history, may be directed to: FBI/NICS, 1000 Custer Hollow Rd., Clarksburg, WV, 26306.

6. **FILING THE PETITION:** After successfully completing the "Petition for Relief" form and obtaining your criminal history record, you will return to the Kitsap County Clerk's Office where they will file your petition, provide you with a court hearing date for the "Note for Hearing", and provide you with copies of the documents that you will need to serve. Upon serving the copies provided, you will return to file the "Declaration of Service", thereby completing the initial application.
7. **SERVICE OF DOCUMENTS:** At the time you file your completed petition, the Clerk will provide you with a hearing date and two copies each of the "Petition for Relief" and the "Note for Hearing" that must be served, meaning the same day you file your petition and note for hearing, you provide a copy of both documents to each of the following agencies that reside in the same building as the Kitsap County Clerk's Office:

(a) The Kitsap County Prosecutor's Office, 614 Division St., MS-35, Port Orchard, WA, 98366.

(b) The Kitsap County Sheriff's Office, 614 Division St., MS-37, Port Orchard, WA, 98366.

For your convenience, the Clerk's Office will also serve the required copies of these documents to the Washington State Patrol Criminal History and ID division.

Providing documents to all these agencies gives them notice of the hearing and an opportunity to respond if necessary. Upon providing a copy of both the "Note for Hearing" and the "Petition for Relief" to each of the above agencies, you will return to the Clerk's Office to complete the "Declaration of Service" and file it with the Clerk.

If for any reason you fail to properly serve these documents the hearing could be continued or stricken altogether, so it is recommended you serve them the same day you file the petition. Upon serving them, you will return to the Clerk's Office once more and complete the "Declaration of Service".

8. **COURT APPEARANCE:** The date and time of the court hearing will be indicated on the Note for Hearing. You will be required to appear before the court at the specified date and time so you can explain to the judge the reasons you believe justify waiver. The location of the hearing will be:

Kitsap County Superior Court, 614 Division St., Port Orchard, WA, 98366.

If you fail to appear at the hearing the court will strike the hearing and will not consider the relief requested, so it is important to appear at the scheduled time.

If the court grants your relief, the Clerk's Office will prepare certified copies of the "Order Granting Relief" and will forward those to the appropriate agencies. At the same time you are entitled to a copy of the court order for your records to verify existence of the waiver. This copy can be obtained either in the courtroom or by returning to the clerk's office at a later date.

9. **LAW CONCERNING WAIVER OF THE DUTY TO REGISTER:** The law concerning termination of adult sex offender and adult kidnapping offender registration is set forth in the Revised Code of Washington ("RCW") at Chapters 9A.44.140 and 9A.44.142. Those statutes are attached herein for your reference. It is recommended that you read these chapters and familiarize yourself with them prior to coming to court.

Depending on the type of offense, the duty to register may end automatically simply based on the passage of time.¹ Prior to that, however, the duty to register may only end by court order. This requires the person responsible for registering as a sex or kidnapping offender petition the court for an order waiving the requirement. In addition, with more serious offenses the duty to register never expires and may only be terminated by petition and court order.

10. **QUALIFICATION TO PETITION FOR WAIVER:** Unless your duty to register expires by operation of law, you will need a legal basis upon which to petition the court for an order waiving the registration requirement. For adult sex offense or kidnapping convictions, you must meet all of the following qualifications (RCW 9A.44.142):

- (a) **TIME LAPSE:** You have spent at least *ten (10) consecutive years* in the community **without being convicted of a "disqualifying offense"** [Note: For any federal or out of state conviction, the law requires the time be *fifteen (15) consecutive years*].

A "disqualifying offense" is any conviction for a: (a) Felony offense; (b) Sex offense²; (c) Crime against children or persons³; (d) Domestic violence offense; (e) Permitting the commercial sexual abuse of a minor; or, (f) Indecent exposure or any prostitution crime.⁴

- (b) **NO DISQUALIFYING CRIMES:** In addition to the above time requirement, you must show:

¹ See, RCW 9A.44.140 and RCW 9A.44.141 for more information on the time periods in which the duty expires by operation of law and the ability to request removal from the central registry.

² "Sex offense" means: (a) Any offense defined as a sex offense by RCW 9.94A.030; (b) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree); (c) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes); (d) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection; (e) Any out-of-state conviction 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 this state would be classified as a sex offense under this subsection; (f) Any federal conviction classified as a sex offense under 42 U.S.C. Sec. 16911 (SORNA); (g) 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; (h) 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 U.S.C. Sec. 16912. RCW 9A.44.128(10).

³ "Crime against children or 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; and, per RCW 9A.44.128(3), includes any other offense against persons listed in RCW 9.94A.411(2)(a). See, RCW 9A.44.128(3); and, RCW 43.43.830(5).

⁴ Any violation of RCW 9A.88, which includes: Indecent exposure, prostitution, promoting prostitution in the first or second degree, promoting travel for prostitution, permitting prostitution, or patronizing a prostitute.

1. You have never been determined to be a “sexually violent predator”;⁵
2. You have never been convicted as an adult of class A felony sex or kidnapping offense committed with forcible compulsion on or after June 8, 2000; and,
3. If the petition is heard prior to July 1, 2012, you have never been:
 - a. Convicted of an “aggravated offense” or more than one “sexually violent offense,” committed on or after March 12, 2002⁶; or,
 - b. Convicted of an aggravated offense, or a prior sexually violent offense or criminal offense against a victim who is a minor,⁷ committed on or after July 22, 2001.

11. **EXEMPTION FROM NOTIFICATION EVEN NOT QUALIFIED TO PETITION:** Even if you do not qualify to petition the court for relief of the duty to register, you may still petition the court to be exempted from any community notification requirements so long as you have spent at least fifteen (15) years in the community since entry of judgement and sentence, or, the last date of release from confinement, whichever is later, without being convicted of a “disqualifying offense” as defined in 9A.44.128(3).

12. **BURDEN OF PROOF AND DECISION:** The law concerning court termination of sex offender and kidnapping offender registration requires the petitioner to prove to the court that registration is no longer necessary by a certain quantum of evidence. This is often referred to as the petitioner’s “burden of proof.”

For any waiver of registration under RCW 9A.44.142, the burden of proof is by “clear and convincing” evidence. That is, the petitioner must prove by clear and convincing evidence that they are sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders. There are statutory factors used to guide the court in its determination, which include: (a) The nature of the offense; (b) Criminal record; Behavior on supervision; (c) Length of time from the offense; (d) Input from law enforcement, corrections, treatment providers and the victim; (e) Whether there was sex offender or other treatment; (f) Stability with employment and housing; (g) Support systems; (h) Risk assessments; and, (i) Polygraphs.⁸

Petitioning the court does not guarantee you are qualified for waiver, nor does it guarantee the court will grant your petition even if you do qualify. The final decision as to whether to waive the registration requirement lies with the court and its discretion.

⁵ “Sexually Violent Predator” is defined as: “[A]ny person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.” RCW Chapter 71.09.020(18).

⁶ “Aggravated Offense and Sexually Violent Offense” are defined in RCW 9A.44.142(5)(b)(i) and (ii).

⁷ “Criminal offense against a victim who is a minor” means, in addition to any aggravated offense or sexually violent offense where the victim was under eighteen years of age, an adult conviction for the following offenses where the victim is under eighteen years of age: (A) Rape in the third degree, rape of a child in the second degree, rape of a child in the third degree, child molestation in the second degree, child molestation in the third degree, sexual misconduct with a minor in the first degree, sexual misconduct with a minor in the second degree, custodial sexual misconduct in the first degree, incest, sexual exploitation of a minor, communication with a minor for immoral purposes, or commercial sexual abuse of a minor; or (B) kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment, where the victim is a minor and the offender is not the minor’s parent; or (C) A felony with a finding of sexual motivation under RCW 9.94A.835 where the victim is a minor; or (D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or (E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed herein. See, RCW 9A.44.142(5)(b).

⁸ 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 registrable offense committed including the number of victims and the length of the offense history; (ii) Any subsequent criminal history; (iii) The petitioner’s compliance with supervision requirements; (iv) The length of time since the charged incident(s) occurred; (v) Any input from community corrections officers, law enforcement, or treatment providers; (vi) Participation in sex offender treatment; (vii) Participation in other treatment and rehabilitative programs; (viii) The offender’s stability in employment and housing; (ix) The offender’s community and personal support system; (x) Any risk assessments or evaluations prepared by a qualified professional; (xi) Any updated polygraph examination; (xii) Any input of the victim; (xiii) Any other factors the court may consider relevant.

REVISED CODE OF WASHINGTON
SELECTED PROVISIONS ON WAIVER OF SEX OFFENDER OR
KIDNAPPING OFFENDER REGISTRATION

9A.44.140. Registration of sex offenders and kidnapping offenders--Duty to register--Expiration of subsection

The duty to register under RCW 9A.44.130 shall continue for the duration provided in this section.

(1) For a person convicted in this state of a class A felony or an offense listed in RCW 9A.44.142(5), or a person convicted in this state of any sex offense or kidnapping offense who has one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall continue indefinitely.

(2) For a person convicted in this state of a class B felony who does not have one or more prior convictions for a sex offense or kidnapping offense and whose current offense is not listed in RCW 9A.44.142(5), the 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.

(3) For a person convicted in this 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, and the person does not have one or more prior convictions for a sex offense or kidnapping offense and the person's current offense is not listed in RCW 9A.44.142(5), the 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 ten consecutive years in the community without being convicted of a disqualifying offense during that time period.

(4) For a person required to register for a federal or out-of-state conviction, the duty to register shall continue indefinitely.

(5) Nothing in this section prevents a person from being relieved of the duty to register under RCW 9A.44.142 and 9A.44.143.

(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 duty to register pursuant to RCW 9A.44.130.

(7) For purposes of determining whether a person has been convicted of more than one sex offense, failure to register as a sex offender or kidnapping offender is not a sex or kidnapping offense.

(8) The provisions of this section and RCW 9A.44.141 through 9A.44.143 apply equally to a person who has been found not guilty by reason of insanity under chapter 10.77 RCW of a sex offense or kidnapping offense.

9A.44.142. Relief from duty to register--Petition--Exceptions

(1) A person who is required to register under RCW 9A.44.130 may petition the superior court to be relieved of the duty to register:

(a) If the person has a duty to register for a sex offense or kidnapping offense committed when the offender was a juvenile, regardless of whether the conviction was in this state, as provided in RCW 9A.44.143;

(b) If the person is required to register for a conviction in this state and is not prohibited from petitioning for relief from registration under subsection (2) of this section, when the person has spent ten consecutive years in the community without being convicted of a disqualifying offense during that time period; or

(c) If the person is required to register for a federal or out-of-state conviction, when the person has spent fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period.

(2)(a) A person may not petition for relief from registration if the person has been:

- (i) Determined to be a sexually violent predator as defined in RCW 71.09.020;
- (ii) Convicted as an adult of a sex offense or kidnapping offense that is a class A felony and that was committed with forcible compulsion on or after June 8, 2000; or
- (iii) Until July 1, 2012, convicted of one aggravated offense or more than one sexually violent offense, as defined in subsection (5) of this section, and the offense or offenses were committed on or after March 12, 2002. After July 1, 2012, this subsection (2)(a)(iii) shall have no further force and effect.

(b) Any person who may not be relieved of the duty to register may petition the court to be exempted from any community notification requirements that the person may be subject to fifteen years after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction, if the person has spent the time in the community without being convicted of a disqualifying offense.

(3) A petition for relief from registration or exemption from notification under this section shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in the county where the person is registered at the time the petition is sought. The prosecuting attorney of the county shall be named and served as the respondent in any such petition.

(4)(a) The court may relieve a petitioner of the duty to register only if the petitioner shows by clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

(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 registrable offense committed including the number of victims and the length of the offense history;
- (ii) Any subsequent criminal history;
- (iii) The petitioner's compliance with supervision requirements;
- (iv) The length of time since the charged incident(s) occurred;
- (v) Any input from community corrections officers, law enforcement, or treatment providers;
- (vi) Participation in sex offender treatment;
- (vii) Participation in other treatment and rehabilitative programs;
- (viii) The offender's stability in employment and housing;
- (ix) The offender's community and personal support system;
- (x) Any risk assessments or evaluations prepared by a qualified professional;
- (xi) Any updated polygraph examination;
- (xii) Any input of the victim;
- (xiii) Any other factors the court may consider relevant.

(5)(a) A person who has been convicted of an aggravated offense, or has been convicted of one or more prior sexually violent offenses or criminal offenses against a victim who is a minor, as defined in (b) of this subsection:

- (i) Until July 1, 2012, may not be relieved of the duty to register;
- (ii) After July 1, 2012, may petition the court to be relieved of the duty to register as provided in this section;
- (iii) This provision shall apply to convictions for crimes committed on or after July 22, 2001.

(b) Unless the context clearly requires otherwise, the following definitions apply only to the federal lifetime registration requirements under this subsection:

(i) "Aggravated offense" means an adult conviction that meets the definition of 18 U.S.C. Sec. 2241, which is limited to the following:

(A) Any sex offense involving sexual intercourse or sexual contact where the victim is under twelve years of age; (B) RCW 9A.44.040 (rape in the first degree), RCW 9A.44.073 (rape of a child in the first degree), or RCW 9A.44.083 (child molestation in the first degree); (C) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct: RCW 9A.44.050 (rape in the second degree), RCW 9A.44.100

(indecent liberties), RCW 9A.44.160 (custodial sexual misconduct in the first degree), RCW 9A.64.020 (incest), or RCW 9.68A.040 (sexual exploitation of a minor); (D) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct, if the victim is twelve years of age or over but under sixteen years of age and the offender is eighteen years of age or over and is more than forty-eight months older than the victim: RCW 9A.44.076 (rape of a child in the second degree), RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086 (child molestation in the second degree), or RCW 9A.44.089 (child molestation in the third degree); (E) A felony with a finding of sexual motivation under RCW 9.94A.835 where the victim is under twelve years of age or that is committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct; (F) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or (G) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(i)(A) through (F) of this subsection.

(ii) "Sexually violent offense" means an adult conviction that meets the definition of 42 U.S.C. Sec. 14071(a)(1)(A), which is limited to the following:

(A) An aggravated offense; (B) An offense that is not an aggravated offense but meets the definition of 18 U.S.C. Sec. 2242, which is limited to RCW 9A.44.050(1) (b) through (f) (rape in the second degree) and RCW 9A.44.100(1) (b) through (f) (indecent liberties); (C) A felony with a finding of sexual motivation under RCW 9.94A.835 where the victim is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, the conduct; (D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or (E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(ii)(A) through (D) of this subsection.

(iii) "Criminal offense against a victim who is a minor" means, in addition to any aggravated offense or sexually violent offense where the victim was under eighteen years of age, an adult conviction for the following offenses where the victim is under eighteen years of age:

(A) RCW 9A.44.060 (rape in the third degree), RCW 9A.44.076 (rape of a child in the second degree), RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086 (child molestation in the second degree), RCW 9A.44.089 (child molestation in the third degree), RCW 9A.44.093 (sexual misconduct with a minor in the first degree), RCW 9A.44.096 (sexual misconduct with a minor in the second degree), RCW 9A.44.160 (custodial sexual misconduct in the first degree), RCW 9A.64.020 (incest), RCW 9.68A.040 (sexual exploitation of a minor), RCW 9.68A.090 (communication with a minor for immoral purposes), or RCW 9.68A.100 (commercial sexual abuse of a minor); (B) RCW 9A.40.020 (kidnapping in the first degree), RCW 9A.40.030 (kidnapping in the second degree), or RCW 9A.40.040 (unlawful imprisonment), where the victim is a minor and the offender is not the minor's parent; (C) A felony with a finding of sexual motivation under RCW 9.94A.835 where the victim is a minor; (D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or (E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(iii)(A) through (D) of this subsection.



**SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KITSAP**

State of Washington

vs.

Petitioner

DOB: ____/____/____

vs.

Kitsap County Prosecuting Attorney.
Respondent

No. _____

PETITION FOR RELIEF FROM

- ☐ REGISTRATION REQUIREMENTS
☐ COMMUNITY NOTIFICATION

FOR

- ☐ SEX OFFENDER
☐ KIDNAPPING OFFENDER

The above named petitioner requests relief from the duty to register pursuant to RCW 9A.44.130 based on this petition and the records and files herein as follows:

SECTION I - JURISDICTION OF THE COURT

The petitioner understands Kitsap County Superior Court may not hear a petition for waiver of registration if the conviction for which petitioner is required to register is from another county within Washington State.

Petitioner hereby asserts this court has jurisdiction to hear the matter because the offense for which he/she is required to register, and requesting waiver from registration, is from:

- ☐ Kitsap County, Washington State.
- ☐ Another state, a foreign country, or a federal or a military court, and I qualify to have this court waive registration for that conviction because I currently reside within Kitsap County, Washington State, and, I am not petitioning for waiver from registration for a juvenile conviction).

SECTION II – RELIEF REQUESTED (check either subsection “A” or “B” but not both)

☐ **A. RELIEF FROM REGISTRATION REQUIREMENTS FOR ADULT CONVICTION**

The above named petitioner moves this court for an order waiving the duty to register as a ☐ sex ☐ kidnapping offender pursuant to RCW 9A.44.142 as applicable. In support of the motion the petitioner has attached a copy of his/her criminal record and declares (check applicable basis):

The petitioner meets the criteria under RCW 9A.44.142 to petition this court for relief from the duty to register under RCW 9A.44.130 based on all of the following which the petitioner believes to be true and accurate to the best of his/her knowledge and belief:

- 1) For all Kitsap County convictions requiring registration, he/she has spent ***ten (10) consecutive years in the community without being convicted of a “disqualifying” offense.*** For any out of state, foreign, federal, or military court convictions requiring registration, he/she has spent ***fifteen (15) consecutive years in the community without being convicted of a “disqualifying” offense.***

["disqualifying offense" is defined in RCW 9A.44.128 as any felony offense; sex offense under RCW 9A.44.126; crime against children or persons as defined by RCW 43.43.830; a crime of domestic violence; permitting the commercial sexual abuse of a minor; or, indecent exposure or any prostitution crime under RCW 9A.88].

- 2) For He/she has never been determined to be a sexually violent predator as defined in RCW 71.09.020;
- 3) He/she has never been convicted as an adult of any class “A” felony sex or kidnapping offense committed with forcible compulsion on or after June 8, 2000; and,
- 4) If the petition is heard prior to July 1, 2012, he/she has never been:
 - (ii) Convicted of one “aggravated offense” or more than one “sexually violent offense,” as defined in RCW 9A.44.142(5)(b), and either one committed on or after March 12, 2002; or,
 - (iii) Convicted of an aggravated offense, or at least one prior sexually violent offense or criminal offense against a victim who is a minor as defined in RCW 9A.44.142(5)(b), committed on or after July 22, 2001.

Even though qualified to petition the court, the petitioner understands the court has discretion to deny the request. The court will make its determination after considering factors in RCW 9A.44.142(4), but may consider other factors as well.

In addition, the petitioner understands they will be required to prove, by ***clear and convincing evidence***, that they are sufficiently rehabilitated to warrant removal from the central registry of sex and kidnapping offenders.

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☐ B. RELIEF FROM NOTIFICATION REQUIREMENTS

The above named petitioner ***does not otherwise qualify an order waiving the duty to register*** as a sex or kidnapping offender pursuant to RCW 9A.44.142; however, the petitioner ***is entitled to petition to be exempt from any community notification requirements*** as he/she has spent a minimum of ***fifteen (15) years in the community***, since the later of the entry of the judgment and sentence or the last date of release from confinement, including full time residential treatment, ***without being convicted of a disqualifying offense***.

The representations herein are true and accurate to the best of my knowledge and belief.

I make my declaration under penalty of perjury.

Dated this _____ day of _____, 201____.

Signature of Petitioner

Printed name



**SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KITSAP**

State of Washington

vs.

Petitioner

DOB: ____/____/____

vs.

Kitsap County Prosecuting Attorney.
Respondent

No. _____

NOTE FOR HEARING

RE: PETITION FOR RELIEF FROM

- ☐ **REGISTRATION REQUIREMENTS**
☐ **COMMUNITY NOTIFICATION**

FOR

- ☐ **SEX OFFENDER**
☐ **KIDNAPPING OFFENDER**

TO THE CLERK OF THE COURT

AND TO: KITSAP COUNTY SHERIFF'S OFFICE; KITSAP COUNTY PROSECUTOR;
WASHINGTON STATE PATROL

Please take notice that the undersigned will bring on the above captioned hearing. A copy of said Petition is attached. The hearing is to be held at:

Kitsap County Superior Court, 614 Division Street, Port Orchard, Washington

THE HEARING DATE & TIME IS: ____/____/201____, @ ____ AM/PM

Dated: ____/____/201____

Signature of Petitioner

Printed name



**SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KITSAP**

State of Washington

vs.

Petitioner

DOB: ____/____/____

vs.

Kitsap County Prosecuting Attorney.
Respondent

No. _____

DECLARATION OF SERVICE

RE: PETITION FOR RELIEF FROM

☐ **REGISTRATION REQUIREMENTS**

☐ **COMMUNITY NOTIFICATION**

FOR

☐ **SEX OFFENDER**

☐ **KIDNAPPING OFFENDER**

STATE OF WASHINGTON, County of Kitsap

I, _____, declare and state the following facts: I am of legal age, a resident of ☐ Kitsap ☐ _____ County, I am a party to the above entitled action.

On ____/____/____, 201____, the original Petition for Relief from Sex/Kidnapping Offender Registration/Notification Requirements, the Note for Hearing, and, this Declaration of Service was filed with the Superior Court of the State of Washington, County of Kitsap, in the above-entitled matter.

On ____/____/____, 201____, I personally served a copy of the Petition for Relief from Sex/Kidnapping Offender Registration/Notification Requirements and a copy of the Note for Hearing in the above-entitled matter to each of the following agencies:

Kitsap County Sheriff's Office, 614 Division Street, Port Orchard, Washington 98366 and
Kitsap County Prosecutor's Office, 614 Division Street Port Orchard, Washington 98366.

On ____/____/____, 201____, to the best of my belief, the Kitsap County Clerk's Office assisted me by sending copies of Petition for Relief from Sex/Kidnapping Offender Registration/Notification Requirements and a copy of the Note for Hearing in the above entitled matter to:

Washington State Patrol, Criminal History & ID, P.O. Box 42633, Olympia, WA 98504-2633

Dated: ____/____/201____

Signature of Petitioner

Printed name



**SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KITSAP**

State of Washington

vs.

Petitioner

DOB: ____/____/____

vs.

Kitsap County Prosecuting Attorney.
Respondent

No. _____

ORDER GRANTING RELIEF FROM

☐ **REGISTRATION REQUIREMENTS**

☐ **COMMUNITY NOTIFICATION**

FOR

☐ **SEX OFFENDER**

☐ **KIDNAPPING OFFENDER**

(ORGRDR & ORGECN)

FINDINGS

The Court having heard argument, and, having reviewed the files and records herein, makes the following findings in this matter (check only one):

☐ **QUALIFIED FOR WAIVER UNDER GENERAL PROVISIONS OF RCW 9A.44.142:**

This Court finds, pursuant to RCW 9A.44.142, all of the following:

- 1) The above named petitioner spent ten (10) consecutive years in the community without being convicted of a "disqualifying" offense as defined under RCW 9A.44.128, or, in the case of an out of state, foreign, federal, or military court conviction, he/she spent fifteen (15) consecutive years in the community without being convicted of a "disqualifying" offense as defined under RCW 9A.44.128;
- 2) Petitioner has never been determined to be a sexually violent predator as defined in RCW 71.09.020;
- 3) Petitioner has never been convicted as an adult of any class "A" felony sex or kidnapping offense committed with forcible compulsion on or after June 8, 2000; and,

- 4) If the petition is heard prior to July 1, 2012, the petitioner has never been:
- a. Convicted of one "aggravated offense" or more than one "sexually violent offense," as defined in RCW 9A.44.142(5)(b), and either one committed on or after March 12, 2002; or,
 - b. Convicted of an aggravated offense, or at least one prior sexually violent offense or criminal offense against a victim who is a minor as defined in RCW 9A.44.142(5)(b), committed on or after July 22, 2001.
- 5) There is at least clear and convincing evidence that petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex and kidnapping offenders.

☐ **ONLY QUALIFIED FOR EXEMPTION FROM COMMUNITY NOTIFICATION:**

The above named petitioner does not otherwise qualify an order waiving the duty to register as a sex or kidnapping offender pursuant to RCW 9A.44.142 or RCW 9A.44.143; however, the petitioner is entitled to be exempt from any community notification requirements as petitioner has spent a minimum of fifteen (15) years in the community, since the later of the entry of the judgment and sentence or the last date of release from confinement, including full time residential treatment, without being convicted of a disqualifying offense as defined in RCW 9A.44.128.

ORDER

(check only one)

☐ **RELIEF FROM SEX/KIDNAPPING OFFENDER REGISTRATION**

Based on the above findings, the court hereby orders the petitioner relieved of his or her duty to register as a sex offender or kidnapping offender pursuant to RCW 9A.44.142 or RCW 9A.44.123 as applicable.

☐ **ONLY EXEMPTED FROM COMMUNITY NOTIFICATION REQUIREMENTS**

Based on the above findings, the duty to register as a sex offender or kidnapping offender remains, however the court hereby orders the petitioner be exempt from any community notification requirements pursuant to RCW 9A.44.142.

Dated this _____ day of _____, 201____.

Judge/Court Commissioner

Signature of Petitioner (present)

REQUEST TO WAIVE SEX / KIDNAPPING OFFENDER REGISTRATION
INSTRUCTIONS

NOTE: IF JUVENILE CASE NUMBERS ARE INVOLVED

(Please read this form carefully before proceeding)

1. **PRO SE APPLICATION:** You are entitled to make this application and request waiver without the assistance of an attorney to represent you. Should you choose to hire an attorney, he or she can assist with the application, can provide consultation and legal advice, can answer any questions you may have during the process, and, can advocate for you throughout the process including court hearings.

The Kitsap County Clerk's Office can not answer legal questions, give you legal advice, nor advocate on your behalf. The information provided in this document is *not* legal advice. It is meant only to assist you in understanding the process and the minimum requirements necessary to make application for waiver. You should consult with an attorney if you have legal questions or need legal advice.

2. **JURISDICTION:** You may petition the Kitsap County Superior Court for waiver if the conviction for the offense that requires registration was in Kitsap County. If the conviction for the offense that requires petitioner to register was in Washington State, but outside Kitsap County, the petition must be filed in the county in which the petitioner was convicted. If the conviction requiring petitioner to register was outside Washington State, or, was in a federal or military court, or foreign county, then the petition must be filed in the county where the petitioner is registered at the time the petition is sought, unless it is a juvenile conviction, in which case the petition shall be filed in Thurston County. NOTE: If you are registered as the result of a federal or out-of-state conviction, you may request the county sheriff removal of your name from the central registry if: (i) a court in your state of conviction has made an individualized determination that you should not be required to register; and, (ii) you provide proof of relief from registration to the county sheriff. If the county sheriff determines you have been relieved of the duty to register in your state of conviction, the county sheriff shall request the Washington State Patrol remove your name from the central registry.
3. **PROCESSING FEE (\$25.00):** There is a twenty-five dollar (\$25.00) processing fee paid to the Kitsap County Clerk who will provide you with a copy of the case docket, all necessary forms and filings. In addition, the Clerk's Office will provide copies of the documents for service, and, certified copies of the order upon successful waiver. The \$25.00 fee must be paid in advance.
4. **REQUIRED DOCUMENTS:** Upon payment of the \$25 fee, the Clerk's Office will provide you with four (4) form documents necessary to make application for the waiver. These four documents consist of:
 - (i) PETITION FOR RELIEF – This provides notice of the grounds upon which you request waiver;
 - (ii) NOTE FOR HEARING – This provides notice of the time and place of the hearing;
 - (iii) DECLARATION OF SERVICE – This verifies that you have served the proper agencies; and,
 - (iv) ORDER GRANTING RELIEF - which, upon acceptance by the court, orders the waiver.

You begin by completing the "Petition for Relief" and obtaining a criminal history record or "rap sheet." When these are done, you return to the Clerk's Office with all your documents.

5. **CRIMINAL HISTORY RECORD:** A criminal history record or "rap sheet" must be obtained from the Washington State Patrol and submitted at the time you file your Petition with the Clerk's Office. You may obtain the rap sheet by contacting the Washington State Patrol, either in person by visiting the local office, or via the internet. The Washington State Patrol Access to Criminal History website is: <https://watch.wsp.wa.gov/>.

If you have questions or inquiries about your criminal history rap sheet, or the information contained therein, you should direct them to the Washington State Patrol. Inquiries may be sent by email to: crimhis@wsp.wa.gov. To ensure a response, please include your name, daytime telephone number, e-mail address, and postal address. Additional questions or inquiries about criminal history, especially out of state history, may be directed to: FBI/NICS, 1000 Custer Hollow Rd., Clarksburg, WV, 26306.

6. **FILING THE PETITION:** After successfully completing the "Petition for Relief" form and obtaining your criminal history record, you will return to the Kitsap County Clerk's Office where they will file your petition, provide you with a court hearing date for the "Note for Hearing", and provide you with copies of the documents that you will need to serve. Upon serving the copies provided, you will return to file the "Declaration of Service", thereby completing the initial application.
7. **SERVICE OF DOCUMENTS:** At the time you file your completed petition, the Clerk will provide you with a hearing date and two copies each of the "Petition for Relief" and the "Note for Hearing" that must be served, meaning the same day you file your petition and note for hearing, you provide a copy of both documents to each of the following agencies that reside in the same building as the Kitsap County Clerk's Office:

(a) The Kitsap County Prosecutor's Office, 614 Division St., MS-35, Port Orchard, WA, 98366.

(b) The Kitsap County Sheriff's Office, 614 Division St., MS-37, Port Orchard, WA, 98366.

For your convenience, the Clerk's Office will also serve the required copies of these documents to the Washington State Patrol Criminal History and ID division.

Providing documents to all these agencies gives them notice of the hearing and an opportunity to respond if necessary. Upon providing a copy of both the "Note for Hearing" and the "Petition for Relief" to each of the above agencies, you will return to the Clerk's Office to complete the "Declaration of Service" and file it with the Clerk.

If for any reason you fail to properly serve these documents the hearing could be continued or stricken altogether, so it is recommended you serve them the same day you file the petition. Upon serving them, you will return to the Clerk's Office once more and complete the "Declaration of Service".

8. **COURT APPEARANCE:** The date and time of the court hearing will be indicated on the Note for Hearing. You will be required to appear before the court at the specified date and time so you can explain to the judge the reasons you believe justify waiver. The location of the hearing will depend on your age at the time of the court appearance:

**For a petitioner over 18 years old at time of appearance, the hearing will be held at:
Kitsap County Superior Court, 614 Division St., Port Orchard, WA, 98366.**

**For a petitioner under 18 years old at time of appearance, the hearing will be held at:
Kitsap County Juvenile Court, 1338 Old Clifton Rd., Port Orchard, WA, 98366**

If you fail to appear at the hearing the court will strike the hearing and will not consider the relief requested, so it is important to appear at the scheduled time.

If the court grants your relief, the Clerk's Office will prepare certified copies of the "Order Granting Relief" and will forward those to the appropriate agencies. At the same time you are entitled to a

copy of the court order for your records to verify existence of the waiver. This copy can be obtained either in the courtroom or by returning to the clerk's office at a later date.

9. **LAW CONCERNING WAIVER OF THE DUTY TO REGISTER:** The law concerning termination of sex offender and kidnapping offender registration is set forth in the Revised Code of Washington ("RCW") at Chapters 9A.44.140, 9A.44.142, and, 9A.44.143. Those statutes are attached herein for your reference. It is recommended that you read these chapters and familiarize yourself with them prior to coming to court.

Depending on the type of offense, the duty to register may end automatically simply based on the passage of time.¹ Prior to that, however, the duty to register may only end by court order. This requires the person responsible for registering as a sex or kidnapping offender petition the court for an order waiving the requirement. In addition, with more serious offenses the duty to register never expires and may only be terminated by petition and court order.

10. **QUALIFICATION TO PETITION FOR WAIVER:** Unless your duty to register expires by operation of law, you will need a legal basis upon which to petition the court for an order waiving the registration requirement. There are two basic ways a person may qualify for waiver. The first, subsection "(A)" below, applies to all convictions. The second, subsection "(B)", only applies to convictions entered in juvenile court:

(A) ANY SEX OR KIDNAPPING CONVICTION [RCW 9A.44.142]

For any sex offense or kidnapping conviction you may not petition for relief unless all the following apply:

- (i) You have spent at least *ten (10) consecutive years* in the community **without being convicted of a "disqualifying offense"** [Note: For any federal or out of state conviction, the law requires the time be *fifteen (15) consecutive years*].

A **"disqualifying offense"** is any conviction for a: (a) Felony offense, (b) Sex offense²; (c) Crime against children or persons³; (d) Domestic violence offense;

¹ See, RCW 9A.44.140 and RCW 9A.44.141 for more information on the time periods in which the duty expires by operation of law and the ability to request removal from the central registry.

² "Sex offense" means: (a) Any offense defined as a sex offense by RCW 9.94A.030; (b) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree); (c) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes); (d) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection; (e) Any out-of-state conviction 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 this state would be classified as a sex offense under this subsection; (f) Any federal conviction classified as a sex offense under 42 U.S.C. Sec. 16911 (SORNA); (g) 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; (h) 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 U.S.C. Sec. 16912. RCW 9A.44.128(10).

³ "Crime against children or 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; and, Instructions to Petition for Waiver of Sex/Kidnap Registration JUVY CASE INVOLVED (rev. 11/01/2011) 3 | Page

(e) Permitting the commercial sexual abuse of a minor; or, (f) Indecent exposure or any prostitution crime.⁴

(ii) **In addition** to the above time requirement, you must show:

1. You have never been determined to be a “sexually violent predator”;⁵
2. You have never been convicted as an adult of class A felony sex or kidnapping offense committed with forcible compulsion on or after June 8, 2000; and,
3. If the petition is heard prior to July 1, 2012, you have never been:
 - a. Convicted of an “aggravated offense” or more than one “sexually violent offense,” committed on or after March 12, 2002⁶; or,
 - b. Convicted of an aggravated offense, or a prior sexually violent offense or criminal offense against a victim who is a minor,⁷ committed on or after July 22, 2001.

(B) JUVENILE SEX AND KIDNAPPING CONVICTIONS [RCW 9A.44.143]

If the petitioner was a juvenile at the time he or she committed the sex or kidnapping offense and the conviction was entered in juvenile court, the law grants a special exception to the standard rules regarding waiver of registration. Under this special juvenile exception, there is no ten year waiting period and the requirement to waive registration is based solely on the petitioner’s age and crime level when he or she committed the offense.

(i) **Class “A” Felonies At Age 15 or Older** - If the conviction is for a class “A” sex or kidnapping offense committed at age 15, 16, or 17, then you can petition if all three of the following apply:

- a. At least *Five (5) years* have passed since adjudication and release from confinement;
- b. You have no additional sex offense or kidnapping convictions or adjudications; and,
- c. You have no convictions or adjudications for failure to register within five (5) years of filing your petition;

per RCW 9A.44.128(3), includes any other offense against persons listed in RCW 9.94A.411(2)(a). See, RCW 9A.44.128(3); and, RCW 43.43.830(5).

⁴ Any violation of RCW 9A.88, which includes: Indecent exposure, prostitution, promoting prostitution in the first or second degree, promoting travel for prostitution, permitting prostitution, or patronizing a prostitute.

⁵ “Sexually Violent Predator” is defined as: “[A]ny person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.” RCW Chapter 71.09.020(18).

⁶ “Aggravated Offense and Sexually Violent Offense” are defined in RCW 9A.44.142(5)(b)(i) and (ii).

⁷ “Criminal offense against a victim who is a minor” means, in addition to any aggravated offense or sexually violent offense where the victim was under eighteen years of age, an adult conviction for the following offenses where the victim is under eighteen years of age: (A) Rape in the third degree, rape of a child in the second degree, rape of a child in the third degree, child molestation in the second degree, child molestation in the third degree, sexual misconduct with a minor in the first degree, sexual misconduct with a minor in the second degree, custodial sexual misconduct in the first degree, incest, sexual exploitation of a minor, communication with a minor for immoral purposes, or commercial sexual abuse of a minor; or (B) kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment, where the victim is a minor and the offender is not the minor’s parent; or (C) A felony with a finding of sexual motivation under RCW 9.94A.835 where the victim is a minor; or (D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or (E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed herein. See, RCW 9A.44.142(5)(b).

(ii) **All Others** – If the conviction is for a class “A” sex or kidnapping offenses committed at age 14 or under, or, for any non-class “A” sex or kidnapping offenses committed under age 18, then you can petition if all three of the following apply:

1. At least *Two (2) years* have passed since adjudication and release from confinement;
2. There are no additional sex offense or kidnapping convictions or adjudications; and,
3. There are no convictions or adjudications for failure to register within two (2) years of filing the petition;

11. **EXEMPTION FROM NOTIFICATION EVEN NOT QUALIFIED TO PETITION:** Even if you do not qualify to petition the court for relief of the duty to register, you may still petition the court to be exempted from any community notification requirements so long as you have spent at least fifteen (15) years in the community since entry of judgment and sentence, or, the last date of release from confinement, whichever is later, without being convicted of a “disqualifying offense” as defined in 9A.44.128(3).

12. **BURDEN OF PROOF AND DECISION:** The law concerning court termination of sex offender and kidnapping offender registration requires the petitioner to prove to the court that registration is no longer necessary by a certain quantum of evidence. This is often referred to as the petitioner’s “burden of proof.”

For any waiver of registration under RCW 9A.44.142, the burden of proof is by “clear and convincing” evidence. That is, the petitioner must prove by clear and convincing evidence that they are sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders. There are statutory factors used to guide the court in its determination, which include: (a) The nature of the offense; (b) Criminal record; Behavior on supervision; (c) Length of time from the offense; (d) Input from law enforcement, corrections, treatment providers and the victim; (e) Whether there was sex offender or other treatment; (f) Stability with employment and housing; (g) Support systems; (h) Risk assessments; and, (i) Polygraphs.⁸

However, if the petitioner meets the qualifications for waiver under the juvenile conviction provisions, RCW 9A.44.143, then the burden is by a “preponderance of evidence” which is not as high a standard as “clear and convincing.” There are similar statutory factors the court will examine to make its determination.⁹

Petitioning the court does not guarantee you are qualified for waiver, nor does it guarantee the court will grant your petition even if you do qualify. The final decision as to whether to waive the registration requirement lies with the court and its discretion.

⁸ 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 registrable offense committed including the number of victims and the length of the offense history; (ii) Any subsequent criminal history; (iii) The petitioner’s compliance with supervision requirements; (iv) The length of time since the charged incident(s) occurred; (v) Any input from community corrections officers, law enforcement, or treatment providers; (vi) Participation in sex offender treatment; (vii) Participation in other treatment and rehabilitative programs; (viii) The offender’s stability in employment and housing; (ix) The offender’s community and personal support system; (x) Any risk assessments or evaluations prepared by a qualified professional; (xi) Any updated polygraph examination; (xii) Any input of the victim; (xiii) Any other factors the court may consider relevant.

⁹ See, RCW 9A.44.143(5) for a list of factors in juvenile convictions.

REVISED CODE OF WASHINGTON
SELECTED PROVISIONS ON WAIVER OF SEX OFFENDER OR
KIDNAPPING OFFENDER REGISTRATION

9A.44.140. Registration of sex offenders and kidnapping offenders--Duty to register--Expiration of subsection

The duty to register under RCW 9A.44.130 shall continue for the duration provided in this section.

(1) For a person convicted in this state of a class A felony or an offense listed in RCW 9A.44.142(5), or a person convicted in this state of any sex offense or kidnapping offense who has one or more prior convictions for a sex offense or kidnapping offense, the duty to register shall continue indefinitely.

(2) For a person convicted in this state of a class B felony who does not have one or more prior convictions for a sex offense or kidnapping offense and whose current offense is not listed in RCW 9A.44.142(5), the 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.

(3) For a person convicted in this 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, and the person does not have one or more prior convictions for a sex offense or kidnapping offense and the person's current offense is not listed in RCW 9A.44.142(5), the 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 ten consecutive years in the community without being convicted of a disqualifying offense during that time period.

(4) For a person required to register for a federal or out-of-state conviction, the duty to register shall continue indefinitely.

(5) Nothing in this section prevents a person from being relieved of the duty to register under RCW 9A.44.142 and 9A.44.143.

(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 duty to register pursuant to RCW 9A.44.130.

(7) For purposes of determining whether a person has been convicted of more than one sex offense, failure to register as a sex offender or kidnapping offender is not a sex or kidnapping offense.

(8) The provisions of this section and RCW 9A.44.141 through 9A.44.143 apply equally to a person who has been found not guilty by reason of insanity under chapter 10.77 RCW of a sex offense or kidnapping offense.

9A.44.142. Relief from duty to register--Petition--Exceptions

(1) A person who is required to register under RCW 9A.44.130 may petition the superior court to be relieved of the duty to register:

(a) If the person has a duty to register for a sex offense or kidnapping offense committed when the offender was a juvenile, regardless of whether the conviction was in this state, as provided in RCW 9A.44.143;

(b) If the person is required to register for a conviction in this state and is not prohibited from petitioning for relief from registration under subsection (2) of this section, when the person has spent ten consecutive years in the community without being convicted of a disqualifying offense during that time period; or

(c) If the person is required to register for a federal or out-of-state conviction, when the person has spent fifteen consecutive years in the community without being convicted of a disqualifying offense during that time period.

(2)(a) A person may not petition for relief from registration if the person has been:

- (i) Determined to be a sexually violent predator as defined in RCW 71.09.020;
- (ii) Convicted as an adult of a sex offense or kidnapping offense that is a class A felony and that was committed with forcible compulsion on or after June 8, 2000; or
- (iii) Until July 1, 2012, convicted of one aggravated offense or more than one sexually violent offense, as defined in subsection (5) of this section, and the offense or offenses were committed on or after March 12, 2002. After July 1, 2012, this subsection (2)(a)(iii) shall have no further force and effect.

(b) Any person who may not be relieved of the duty to register may petition the court to be exempted from any community notification requirements that the person may be subject to fifteen years after the later of the entry of the judgment and sentence or the last date of release from confinement, including full-time residential treatment, pursuant to the conviction, if the person has spent the time in the community without being convicted of a disqualifying offense.

(3) A petition for relief from registration or exemption from notification under this section shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in the county where the person is registered at the time the petition is sought. The prosecuting attorney of the county shall be named and served as the respondent in any such petition.

(4)(a) The court may relieve a petitioner of the duty to register only if the petitioner shows by clear and convincing evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

(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 registrable offense committed including the number of victims and the length of the offense history;
- (ii) Any subsequent criminal history;
- (iii) The petitioner's compliance with supervision requirements;
- (iv) The length of time since the charged incident(s) occurred;
- (v) Any input from community corrections officers, law enforcement, or treatment providers;
- (vi) Participation in sex offender treatment;
- (vii) Participation in other treatment and rehabilitative programs;
- (viii) The offender's stability in employment and housing;
- (ix) The offender's community and personal support system;
- (x) Any risk assessments or evaluations prepared by a qualified professional;
- (xi) Any updated polygraph examination;
- (xii) Any input of the victim;
- (xiii) Any other factors the court may consider relevant.

(5)(a) A person who has been convicted of an aggravated offense, or has been convicted of one or more prior sexually violent offenses or criminal offenses against a victim who is a minor, as defined in (b) of this subsection:

- (i) Until July 1, 2012, may not be relieved of the duty to register;
- (ii) After July 1, 2012, may petition the court to be relieved of the duty to register as provided in this section;
- (iii) This provision shall apply to convictions for crimes committed on or after July 22, 2001.

(b) Unless the context clearly requires otherwise, the following definitions apply only to the federal lifetime registration requirements under this subsection:

(i) "Aggravated offense" means an adult conviction that meets the definition of 18 U.S.C. Sec. 2241, which is limited to the following:

(A) Any sex offense involving sexual intercourse or sexual contact where the victim is under twelve years of age; (B) RCW 9A.44.040 (rape in the first degree), RCW 9A.44.073 (rape of a child in the first degree), or RCW 9A.44.083 (child molestation in the first degree); (C) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct: RCW 9A.44.050 (rape in the second degree), RCW 9A.44.100

(indecent liberties), RCW 9A.44.160 (custodial sexual misconduct in the first degree), RCW 9A.64.020 (incest), or RCW 9.68A.040 (sexual exploitation of a minor); (D) Any of the following offenses when committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct, if the victim is twelve years of age or over but under sixteen years of age and the offender is eighteen years of age or over and is more than forty-eight months older than the victim: RCW 9A.44.076 (rape of a child in the second degree), RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086 (child molestation in the second degree), or RCW 9A.44.089 (child molestation in the third degree); (E) A felony with a finding of sexual motivation under RCW 9.94A.835 where the victim is under twelve years of age or that is committed by forcible compulsion or by the offender administering, by threat or force or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that person to appraise or control conduct; (F) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or (G) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(i)(A) through (F) of this subsection.

(ii) "Sexually violent offense" means an adult conviction that meets the definition of 42 U.S.C. Sec. 14071(a)(1)(A), which is limited to the following:

(A) An aggravated offense; (B) An offense that is not an aggravated offense but meets the definition of 18 U.S.C. Sec. 2242, which is limited to RCW 9A.44.050(1) (b) through (f) (rape in the second degree) and RCW 9A.44.100(1) (b) through (f) (indecent liberties); (C) A felony with a finding of sexual motivation under RCW 9.94A.835 where the victim is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, the conduct; (D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or (E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(ii)(A) through (D) of this subsection.

(iii) "Criminal offense against a victim who is a minor" means, in addition to any aggravated offense or sexually violent offense where the victim was under eighteen years of age, an adult conviction for the following offenses where the victim is under eighteen years of age:

(A) RCW 9A.44.060 (rape in the third degree), RCW 9A.44.076 (rape of a child in the second degree), RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086 (child molestation in the second degree), RCW 9A.44.089 (child molestation in the third degree), RCW 9A.44.093 (sexual misconduct with a minor in the first degree), RCW 9A.44.096 (sexual misconduct with a minor in the second degree), RCW 9A.44.160 (custodial sexual misconduct in the first degree), RCW 9A.64.020 (incest), RCW 9.68A.040 (sexual exploitation of a minor), RCW 9.68A.090 (communication with a minor for immoral purposes), or RCW 9.68A.100 (commercial sexual abuse of a minor); (B) RCW 9A.40.020 (kidnapping in the first degree), RCW 9A.40.030 (kidnapping in the second degree), or RCW 9A.40.040 (unlawful imprisonment), where the victim is a minor and the offender is not the minor's parent; (C) A felony with a finding of sexual motivation under RCW 9.94A.835 where the victim is a minor; (D) An offense that is, under chapter 9A.28 RCW, an attempt or solicitation to commit such an offense; or (E) An offense defined by federal law or the laws of another state that is equivalent to the offenses listed in (b)(iii)(A) through (D) of this subsection.

9A.44.143. Relief from duty to register for sex offense or kidnapping offense committed when offender was a juvenile--Petition--Exception

(1) An offender having a duty to register under RCW 9A.44.130 for a sex offense or kidnapping offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty as provided in this section.

(2) For class A sex offenses or kidnapping offenses committed when the petitioner was fifteen years of age or older, the court may relieve the petitioner of the duty to register if:

(a) At least sixty months have passed since the petitioner's adjudication and completion of any term of confinement for the offense giving rise to the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses;

(b) The petitioner has not been adjudicated or convicted of a violation of RCW 9A.44.132 (failure to register) during the sixty months prior to filing the petition; and

(c) The petitioner shows by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

(3) For all other sex offenses or kidnapping offenses committed by a juvenile not included in subsection (2) of this section, the court may relieve the petitioner of the duty to register if:

(a) 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 the duty to register and the petitioner has not been adjudicated or convicted of any additional sex offenses or kidnapping offenses;

(b) The petitioner has not been adjudicated or convicted of a violation of RCW 9A.44.132 (failure to register) during the twenty-four months prior to filing the petition; and

(c) The petitioner shows by a preponderance of the evidence that the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders.

(4) A petition for relief from registration under this section shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition.

(5) In determining whether the petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex offenders and kidnapping offenders, the following factors are provided as guidance to assist the court in making its determination, to the extent the factors are applicable considering the age and circumstances of the petitioner:

(a) The nature of the registrable offense committed including the number of victims and the length of the offense history;

(b) Any subsequent criminal history;

(c) The petitioner's compliance with supervision requirements;

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

(e) Any input from community corrections officers, juvenile parole or probation officers, law enforcement, or treatment providers;

(f) Participation in sex offender treatment;

(g) Participation in other treatment and rehabilitative programs;

(h) The offender's stability in employment and housing;

(i) The offender's community and personal support system;

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

(k) Any updated polygraph examination;

(l) Any input of the victim;

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

(6) A juvenile prosecuted and convicted of a sex offense or kidnapping offense as an adult may not petition to the superior court under this section.



**SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KITSAP**

State of Washington

vs.

Petitioner

DOB: ____/____/____

vs.

Kitsap County Prosecuting Attorney.
Respondent

No. _____

PETITION FOR RELIEF FROM

- ☐ **REGISTRATION REQUIREMENTS**
☐ **COMMUNITY NOTIFICATION**

FOR

- ☐ **SEX OFFENDER**
☐ **KIDNAPPING OFFENDER**

The above named petitioner requests relief from the duty to register pursuant to RCW 9A.44.130 based on this petition and the records and files herein as follows:

SECTION I - JURISDICTION OF THE COURT

The petitioner understands Kitsap County Superior Court may not hear a petition for waiver of registration if the conviction for which petitioner is required to register is from another county within Washington State.

Petitioner hereby asserts this court has jurisdiction to hear the matter because the offense for which he/she is required to register, and requesting waiver from registration, is from:

- ☐ Kitsap County, Washington State.
- ☐ Another state, a foreign country, or a federal or a military court, and I qualify to have this court waive registration for that conviction because I currently reside within Kitsap County, Washington State, and, I am not petitioning for waiver under Section II subsection "A2" on page 3 (waiver of registration for juvenile conviction - RCW 9A.44.143).

SECTION II – RELIEF REQUESTED (check either subsection “A” or “B” but not both)

☐ **A. RELIEF FROM REGISTRATION REQUIREMENTS**

The above named petitioner moves this court for an order waiving the duty to register as a ☐ sex ☐ kidnapping offender pursuant to RCW 9A.44.142 or RCW 9A.44.143 as applicable. In support of the motion the petitioner has attached a copy of his/her criminal record and declares (check applicable basis):

☐ **1. ANY CONVICTION REQUIRING REGISTRATION PER RCW 9A.44.142:**

The petitioner meets the criteria under RCW 9A.44.142 to petition this court for relief from the duty to register under RCW 9A.44.130 based on all of the following which the petitioner believes to be true and accurate to the best of his/her knowledge and belief:

- 1) For all Kitsap County convictions requiring registration, he/she has spent ***ten (10) consecutive years in the community without being convicted of a “disqualifying” offense.*** For any out of state, foreign, federal, or military court convictions requiring registration, he/she has spent ***fifteen (15) consecutive years in the community without being convicted of a “disqualifying” offense.***

["disqualifying offense" is defined in RCW 9A.44.128 as any felony offense; sex offense under RCW 9A.44.128; crime against children or persons as defined by RCW 43.43.830; a crime of domestic violence; permitting the commercial sexual abuse of a minor; or, indecent exposure or any prostitution crime under RCW 9A.88].

- 2) For He/she has never been determined to be a sexually violent predator as defined in RCW 71.09.020;
- 3) He/she has never been convicted as an adult of any class “A” felony sex or kidnapping offense committed with forcible compulsion on or after June 8, 2000; and,
- 4) If the petition is heard prior to July 1, 2012, he/she has never been:
 - (ii) Convicted of one “aggravated offense” or more than one “sexually violent offense,” as defined in RCW 9A.44.142(5)(b), and either one committed on or after March 12, 2002; or,
 - (iii) Convicted of an aggravated offense, or at least one prior sexually violent offense or criminal offense against a victim who is a minor as defined in RCW 9A.44.142(5)(b), committed on or after July 22, 2001.

Even though qualified to petition the court, the petitioner understands the court has discretion to deny the request. The court will make its determination after considering factors in RCW 9A.44.142(4), but may consider other factors as well.

In addition, the petitioner understands they will be required to prove, by ***clear and convincing evidence***, that they are sufficiently rehabilitated to warrant removal from the central registry of sex and kidnapping offenders.

☐ 2. ANY JUVENILE CONVICTION - RCW 9A.44.143:

The petitioner meets the criteria under RCW 9A.44.143 to petition this court for relief from the duty to register under RCW 9A.44.130 based on the following which the petitioner/defendant believe to be true and accurate to the best of his/her knowledge and belief (check one):

☐ CLASS "A" FELONY AT AGE 15 OR OLDER:

- a) The offense he/she is requesting waiver from registration was a ***class "A" felony sex or kidnapping offense committed when the petitioner was fifteen (15) years of age or older***,
- b) At least ***Five (5) years*** (sixty months) has passed since his/her adjudication and release from confinement, whichever is later;
- c) There are no additional sex offense or kidnapping convictions or adjudications; and,
- d) There are no convictions or adjudications for failure to register within five (5) years (sixty months) of filing this petition

☐ CLASS "A" FELONY UNDER AGE 15 OR ANY OTHER TYPE:

- a) The offense he/she is requesting waiver from registration was ***either a class "A" felony sex or kidnapping offense committed when the petitioner was 14 years old or younger; or, was a sex or kidnapping offense, other than an "A" class felony offense, committed when the petitioner was 17 years old or younger*** and all of the following apply:
- b) At least ***Two (2) years*** (twenty four months) has passed since his/her adjudication and release from confinement, whichever is later;
- c) There are no additional sex offense or kidnapping convictions or adjudications; and,
- d) There are no convictions or adjudications for failure to register within two (2) years (twenty four months) of filing this petition

Even though qualified to petition the court, the petitioner understands the court has discretion to deny the request. The court will make its determination after considering factors in RCW 9A.44.143(5), but may consider other factors as well.

At the court hearing the petitioner may request to present any documentation or reports related to any treatment or rehabilitative measures taken, and/or any other evidence he/she feels is relevant to the petition.

In addition, the petitioner understands they will be required to prove, by a ***preponderance of evidence*** that they are sufficiently rehabilitated to warrant removal from the central registry of sex and kidnapping offenders.

☐ B. RELIEF FROM NOTIFICATION REQUIREMENTS

The above named petitioner ***does not otherwise qualify an order waiving the duty to register*** as a sex or kidnapping offender pursuant to RCW 9A.44.142 or RCW 9A.44.143; however, the petitioner ***is entitled to petition to be exempt from any community notification requirements*** as he/she has spent a minimum of ***fifteen (15) years in the community***, since the later of the entry of the judgment and sentence or the last date of release from confinement, including full time residential treatment, ***without being convicted of a disqualifying offense***.

The representations herein are true and accurate to the best of my knowledge and belief.
I make my declaration under penalty of perjury.

Dated this _____ day of _____, 201_____.

Signature of Petitioner

Printed name



**SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KITSAP**

State of Washington

vs.

Petitioner

DOB: ____/____/____

vs.

Kitsap County Prosecuting Attorney.
Respondent

No. _____

NOTE FOR HEARING

RE: PETITION FOR RELIEF FROM

- ☐ **REGISTRATION REQUIREMENTS**
☐ **COMMUNITY NOTIFICATION**

FOR

- ☐ **SEX OFFENDER**
☐ **KIDNAPPING OFFENDER**

TO THE CLERK OF THE COURT

AND TO: KITSAP COUNTY SHERIFF'S OFFICE; KITSAP COUNTY PROSECUTOR;
WASHINGTON STATE PATROL

Please take notice that the undersigned will bring on the above captioned hearing. A copy of said Petition is attached. The hearing is to be held at:

- ☐ Kitsap County Superior Court (Age 18 or older at the time of the hearing)
614 Division Street, Port Orchard, Washington
- ☐ Kitsap County Juvenile Department (Age 17 or younger at the time of the hearing)
1338 SW Old Clifton Road, Port Orchard, Washington.

THE HEARING DATE & TIME IS: ____/____/201____, @ ____ AM/PM

Dated: ____/____/201____

Signature of Petitioner

Printed name



**SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KITSAP**

State of Washington

vs.

Petitioner

DOB: ____/____/____

vs.

Kitsap County Prosecuting Attorney
Respondent

No. _____

DECLARATION OF SERVICE

RE: PETITION FOR RELIEF FROM

☐ **REGISTRATION REQUIREMENTS**

☐ **COMMUNITY NOTIFICATION**

FOR

☐ **SEX OFFENDER**

☐ **KIDNAPPING OFFENDER**

STATE OF WASHINGTON, County of Kitsap

I, _____, declare and state the following facts: I am of legal age, a resident of ☐ Kitsap ☐ _____ County, I am a party to the above entitled action.

On ____/____/____, 201____, the original Petition for Relief from Sex/Kidnapping Offender Registration/Notification Requirements, the Note for Hearing, and, this Declaration of Service was filed with the Superior Court of the State of Washington, County of Kitsap, in the above-entitled matter.

On ____/____/____, 201____, I personally served a copy of the Petition for Relief from Sex/Kidnapping Offender Registration/Notification Requirements and a copy of the Note for Hearing in the above-entitled matter to each of the following agencies:

Kitsap County Sheriff's Office, 614 Division Street, Port Orchard, Washington 98366 and
Kitsap County Prosecutor's Office, 614 Division Street Port Orchard, Washington 98366.

On ____/____/____, 201____, to the best of my belief, the Kitsap County Clerk's Office assisted me by sending copies of Petition for Relief from Sex/Kidnapping Offender Registration/Notification Requirements and a copy of the Note for Hearing in the above entitled matter to:

Washington State Patrol, Criminal History & ID, P.O. Box 42633, Olympia, WA 98504-2633

Dated: ____/____/201____

Signature of Petitioner

Printed name



**SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF KITSAP**

State of Washington

vs.

Petitioner

DOB: ____/____/____

vs.

Kitsap County Prosecuting Attorney.
Respondent

No. _____

ORDER GRANTING RELIEF FROM

☐ **REGISTRATION REQUIREMENTS**

☐ **COMMUNITY NOTIFICATION**

FOR

☐ **SEX OFFENDER**

☐ **KIDNAPPING OFFENDER**

(ORGRDR & ORGECN)

FINDINGS

The Court having heard argument, and, having reviewed the files and records herein, makes the following findings in this matter **(CHECK EITHER I. OR II. BUT NOT BOTH)**:

☐ **I. QUALIFIED FOR WAIVER OF REGISTRATION (EITHER A OR B):**

☐ **A. UNDER GENERAL PROVISIONS OF RCW 9A.44.142 (ANY CONVICTION):**

This Court finds, pursuant to RCW 9A.44.142, all of the following:

- 1) The above named petitioner spent ten (10) consecutive years in the community without being convicted of a "disqualifying" offense as defined under RCW 9A.44.128, or, in the case of an out of state, foreign, federal, or military court conviction, he/she spent fifteen (15) consecutive years in the community without being convicted of a "disqualifying" offense as defined under RCW 9A.44.128;
- 2) Petitioner has never been determined to be a sexually violent predator as defined in RCW 71.09.020;

- 3) Petitioner has never been convicted as an adult of any class "A" felony sex or kidnapping offense committed with forcible compulsion on or after June 8, 2000; and,
- 4) If the petition is heard prior to July 1, 2012, the petitioner has never been:
 - a. Convicted of one "aggravated offense" or more than one "sexually violent offense," as defined in RCW 9A.44.142(5)(b), and either one committed on or after March 12, 2002; or,
 - b. Convicted of an aggravated offense, or at least one prior sexually violent offense or criminal offense against a victim who is a minor as defined in RCW 9A.44.142(5)(b), committed on or after July 22, 2001.
- 5) There is at least clear and convincing evidence that petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex and kidnapping offenders.

☐ **B. JUVENILE OFFENSE UNDER RCW 9A.44.143:**

Court finds, pursuant to RCW 9A.44.143, the above named Petitioner was convicted in juvenile court of the offense for which registration is required. The court further finds:

☐ **CLASS "A" FELONY AT AGE 15 OR OLDER:**

- a. The offense petitioner is requesting waiver from registration was a class "A" felony sex or kidnapping offense committed when the petitioner was fifteen (15) years of age or older;
- b. At least Five (5) years (sixty months) has passed since petitioner's adjudication and release from confinement, whichever is later;
- c. There are no additional sex offense or kidnapping convictions or adjudications;
- d. There are no convictions or adjudications for failure to register within five (5) years (sixty months) of filing this petition; and,
- e. There is at least a preponderance of evidence that petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex and kidnapping offenders.

☐ **CLASS "A" FELONY UNDER AGE 15 OR ANY OTHER TYPE:**

- a. The offense petitioner is requesting waiver from registration was either a class "A" felony sex or kidnapping offense committed when the petitioner was 14 years old or younger; or, was a sex or kidnapping offense, other than an "A" class felony offense, committed when the petitioner was 17 years old or younger;

- b. At least Two (2) years (twenty four months) has passed since his/her adjudication and release from confinement, whichever is later;
- c. There are no additional sex offense or kidnapping convictions or adjudications;
- d. There are no convictions or adjudications for failure to register within two (2) years (twenty four months) of filing this petition; and,
- e. There is at least a preponderance of evidence that petitioner is sufficiently rehabilitated to warrant removal from the central registry of sex and kidnapping offenders.

☐ **II. ONLY QUALIFIED FOR EXEMPTION FROM COMMUNITY NOTIFICATION:**

The above named petitioner does not otherwise qualify an order waiving the duty to register as a sex or kidnapping offender pursuant to RCW 9A.44.142 or RCW 9A.44.143; however, the petitioner is entitled to be exempt from any community notification requirements as petitioner has spent a minimum of fifteen (15) years in the community, since the later of the entry of the judgment and sentence or the last date of release from confinement, including full time residential treatment, without being convicted of a disqualifying offense as defined in RCW 9A.44.128.

ORDER

(check only one)

☐ **RELIEF FROM SEX/KIDNAPPING OFFENDER REGISTRATION**

Based on the above findings, the court hereby orders the petitioner relieved of his or her duty to register as a sex offender or kidnapping offender pursuant to RCW 9A.44.142 or RCW 9A.44.123 as applicable.

☐ **ONLY EXEMPTED FROM COMMUNITY NOTIFICATION REQUIREMENTS**

Based on the above findings, the duty to register as a sex offender or kidnapping offender remains, however the court hereby orders the petitioner be exempt from any community notification requirements pursuant to RCW 9A.44.142.

Dated this _____ day of _____, 201____.

Judge/Court Commissioner

Signature of Petitioner (present)