



February 2020

SORNA Substantial Implementation Review State of Washington — Revised

The U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) thanks the State of Washington and recognizes 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 revised review of Washington's SORNA substantial implementation materials and has determined that Washington has not substantially implemented SORNA.

In 2011, based on materials submitted by the State of Washington, Office of the Governor, it was determined that Washington had not substantially implemented SORNA. In May 2018, the Office of the Governor and the Sex Offender Policy Board coordinator submitted updated materials to supplement the state's previous substantial implementation package. The SMART Office has reviewed current laws and regulations governing sex offender registration and notification in Washington, as well as forms and other documents. In addition, email, phone correspondence and in-person conversations with the governor's staff informed our review.

Our review follows the outline of the SMART Office Substantial Implementation Checklist-Revised, and contains 14 sections addressing the SORNA requirements. Under each section, we indicate whether Washington meets or does not meet the SORNA requirements of that section, or deviates from the SORNA requirements in a way that does not substantially disserve SORNA's requirements. Washington is encouraged to focus on the sections where the jurisdiction has not met SORNA's requirements, and to work toward rectifying the issues identified in those sections to achieve substantial implementation of SORNA. Washington is also encouraged to work toward rectifying the deviations that do not substantially disserve the purposes of SORNA to achieve full implementation of SORNA; however, failing to rectify this category will not impact Washington's ability to achieve substantial implementation.

This report is an exhaustive review and is intended to detail every area in which Washington has not met SORNA standards. We encourage Washington to review the information below, share it with relevant stakeholders and contact the SMART Office 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 or her information in a jurisdiction, that the initial registration information or updated information be immediately sent to other jurisdictions where the offender has to register, as well as to the National Crime Information Center's National Sex Offender Registry (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 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.

A. Washington Offenses

Washington includes the state offenses for which SORNA requires registration in its registration scheme.

B. Offenses of Other SORNA Registration Jurisdictions

Washington requires registration for any offense equivalent to a registerable Washington offense. Washington also requires registration if an offender was obligated to register in the state or tribe in which the offender was convicted.

C. Federal Offenses

Washington requires registration for any federal conviction classified as a sex offense by SORNA.

D. Military Offenses

Washington requires registration for any military conviction for a sex offense, including sex offenses under the Uniform Code of Military Justice.

E. Foreign Offenses

Washington requires registration for any conviction from a foreign country with sufficient safeguards for fairness and due process as established by the U.S. State Department.

F. Juveniles

Washington registers juveniles adjudicated delinquent of any registerable sex offense.

Washington meets all of the SORNA requirements in this section.

III. Required Registration Information

SORNA requires 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 routinely collect and keep the following information required by SORNA:¹

- 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
- Passport documents
- Immigration documents
- Phone numbers
- Professional licensing information
- Vehicle information

Washington does not meet the SORNA requirements of this section.

IV. Where Registration Is Required

SORNA requires the jurisdiction register an offender if the jurisdiction is the one in which he or she 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.

V. Initial Registration: Generally

SORNA requires when an offender is incarcerated within the jurisdiction, registration must occur before release from imprisonment for the registration offense. Similarly, when an offender is sentenced within the jurisdiction, but not incarcerated, SORNA requires 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 or her registration duties and require the offender to acknowledge in writing that he or she understands those duties.

¹ Washington has methods to collect some of the items listed. However, because law enforcement/registry staff are not required to collect it, this does not meet SORNA requirements.

Washington meets all of the SORNA requirements in this section.

VI. Initial Registration: Retroactive Classes of Offenders

SORNA requires 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 re-enter the jurisdiction's criminal justice system because of a some other felony conviction (whether or not it is a sex offense).

Washington's registration scheme applies 1) to sex offenders who, on or after July 28, 1991, were in custody or under the supervision of the department of corrections, the department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as the result of a sex offense, regardless of when the sex offense was committed; and 2) to kidnapping offenders who were in custody or on supervision on or after July 27, 1997. In addition, sex offenders who move to Washington from another state, tribe or a foreign country and who were convicted of a sex offense under the laws of Washington, another state, a foreign country, tribe or other federal or military tribunal, regardless of when the sex offense was committed or the conviction occurred, are required to register. This application captures most of the offenders SORNA intends, with the exception of those offenders who re-enter the criminal justice system for a nonsexual offense.

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

VII. Keeping the Registration Current

SORNA requires when a registered sex offender resides in a jurisdiction, the sex offender must immediately appear in person to update his or her name, residence, employment, school attendance and termination of residence. SORNA also requires when an offender resides in a jurisdiction, the sex offender must 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 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 the offender immediately appear in person to update school-related information.

SORNA also requires when an offender intends to travel outside the United States, the offender notify the residence jurisdiction at least 21 days in advance of such travel.

In addition, SORNA requires when an offender notifies the jurisdiction of intent to relocate to another country to live, work or attend school, or intent to travel to another country,

the jurisdiction must do three things: 1) immediately notify any other jurisdiction where the offender is either registered or is required to register of that updated information; 2) immediately notify the United States Marshals Service; and 3) 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 provide or report changes in email addresses, instant message addresses or other internet identifiers, and vehicle information.

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

VIII. Offense Tiering and Verification/Appearance Requirements

SORNA requires offenses be classified based on the nature of the offense of conviction and 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.

Washington bases sex offenders' duration of registration upon offense of conviction; however, the duration of registration deviates from SORNA requirements. Sex offenders convicted of class C felonies and gross misdemeanors are required to register for 10 years; offenders convicted of class B felonies for 15 years, and offenders convicted of class A felonies and other eligible offenses are required to register for life. Washington further deviates from SORNA in that frequency of registration is based upon risk assessment. Those offenders assessed as low risk are required to report annually; medium risk report semiannually; and high risk report for registration quarterly. Transient offenders report weekly.

A. Offense Tiering

The SMART Office has reviewed the statutes identified in the substantial implementation submission package and has identified Washington's placement of these statutes within SORNA's three tier levels (see the Appendix "Washington State Statutes" for information about Washington's classification of its offenders and associated registration requirements).

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 uses a three-category system (10-year, 15-year and lifetime registration offenses) for registration duration purposes, this timing does not meet SORNA's minimum requirements, nor does Washington correctly classify many of its offenders in the appropriate tiers.

The following 10- and 15-year registration offenses in Washington require 25-year registration under SORNA (tier II):

- RCW 9.68A.040 Sexual exploitation of a minor
- RCW 9.68A.040.100 (1), (2) Trafficking

- RCW 9.68A.050 (1), (2) 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), (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.44.086 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 old)
- RCW 9A.44.160 Custodial sexual misconduct (forcible)
- RCW 9A.64.020 Incest 1 (if victim 16-17 years old)
- RCW 9A.64.020 Incest 2 (if victim 13-17 years old)
- RCW 9A.88.070 (1), (2) Promoting prostitution (if victim under 18 years old)

The following 10- and 15-year registration offenses in Washington require lifetime registration under SORNA (tier III):

- RCW 9A.44.060 Rape 3
- 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 old)
- RCW 9A.64.020 Incest 1 (if the victim was under 16 years old)
- RCW 9A.64.020 Incest 2 (if the victim was under 13 years old)

B. Duration of Registration

SORNA requires offenders register for a duration of time based on the tier of the offense of conviction. Specifically, SORNA requires tier I offenders register for 15 years, tier II offenders register for 25 years and tier III offenders register for life.

In Washington duration is based on offense of conviction; however, the corresponding timeframes deviate from SORNA requirements.

10-year duration

- Offenders convicted of a class C felony sex offense and some gross misdemeanor sex offenses

15-year duration

- Offenders convicted of a class B felony sex offense

Lifetime/Indefinite duration²

- Offenders convicted of a class A felony
- Any person convicted of a sex offense or kidnapping offense who has a prior conviction for a sex offense or kidnapping offense
- Any person determined to be a sexually violent predator under RCW § 71.09
- Any person required to register for a federal, tribal or out-of-state conviction

C. Frequency of Registration

SORNA requires offenders make in-person appearances at the registering agency based on the tier of the offense of conviction. Specifically, SORNA requires tier I offenders appear once a year, tier II offenders appear every six months and tier III offenders appear every three months.

Washington deviates from SORNA in that frequency of registration is based on Washington's determination of an offender's risk level in the community. This level is determined through a risk assessment process, where a risk assessment tool is used and additional factors are assessed. These reviews are conducted by the End of Sentence Review Committee (if the offender is released from the Department of Corrections, Department Social and Health Services or Department of Children, Youth and Families). Otherwise, law enforcement completes a risk assessment tool. Once completed, the offender is assigned to one of three levels of risk and corresponding verification:

- Level I: Law enforcement conducts annual face-to-face address verifications.
- Level II: Law enforcement conducts semiannual face-to-face address verifications.
- Level III: Law enforcement conducts quarterly face-to-face address verifications.

D. Reduction of Registration Periods

SORNA creates certain requirements under which a jurisdiction can allow an offender to have a reduced registration period.

Washington's process for reduction of adult registration periods deviates from SORNA. Adult offenders convicted of gross misdemeanors, class C or class B convictions and who have spent 10 consecutive years in the community without being convicted of a "disqualifying" offense and have not been determined to be a sexually violent predator, may petition the court for relief from the duty to register; individuals required to register for a federal, tribal or out-of-state conviction can petition for relief after 15 years. Sex offenders convicted of a class A felony

² "Lifetime" applies to offenders convicted of an offense involving forcible compulsion (committed after June 8, 2000) and offenders who have been adjudicated as sexually violent predators; these offenders cannot be relieved of registration requirements, but they may petition to be exempted from community notification requirements after 15 consecutive years with no new disqualifying offenses. "Indefinite" registration applies to offenders convicted in Washington of a class A felony or kidnapping offense; or who have been convicted of two or more sex or kidnapping offenses; or are required to register by federal, tribal or out-of-state courts; these offenders may petition for relief from the duty to register after 15 consecutive years with no new disqualifying offenses.

that was committed with forcible compulsion (after June 8, 2000) and/or are determined to be a sexually violent offender, cannot petition for relief from registration. However, these offenders can petition the court for exemption from community notification after 15 years.

The reduction for juveniles convicted of SORNA tier III offenses deviates from SORNA requirements. Washington allows for offenders required to register because of a juvenile adjudication to apply for relief of the 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.

E. Clean Record Requirements

Under SORNA, a registered sex offender has a clean record if he or she has satisfied certain requirements.

Washington's clean record requirement deviates from SORNA in that Washington's clean record requirements does not include completion of a sex offender treatment program.

Because Washington does not correctly classify the majority of its offenses in the minimum SORNA tiering structure, does not meet the minimum duration of registration requirements, does not base in-person verifications upon offense of conviction, and provides a process for reductions for some class A and class B offenders, Washington does not meet the SORNA requirements of this section.

IX. Public Registry Website Requirements

SORNA requires 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 by the offender's risk level, which 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 or lack a fixed residence are posted on the state's public sex offender registry website.

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

- Resident address (only lists addresses 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 post all sex offenders convicted as adults of SORNA registerable offenses and because Washington does not make publically available several pieces of offender information required by SORNA, Washington does not meet the SORNA requirements of this section.

X. Community Notification

SORNA requires each jurisdiction disseminate certain initial and updated registration information to particular agencies within the jurisdiction. In addition, SORNA requires each jurisdiction also disseminate certain initial and updated registration information to the community.

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. In addition, Washington provides some offenders convicted of class A and B felonies to petition for relief from community notification requirements.⁴

Washington does not meet the SORNA requirements of this section.

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

SORNA requires 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 for a sex offense other than a felony is guilty of a gross misdemeanor with a maximum penalty of less than a year. A juvenile or adult conviction for failure to register for a felony carries up to a 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 the SORNA requirements in this section.

XII. When a Sex Offender Fails to Appear for Registration

SORNA requires when a jurisdiction is notified of a sex offender's intent to live, work or attend school in its jurisdiction, and that offender fails to appear for registration as required, the

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 live or is regularly found.

⁴ Offenders required to register for "lifetime" cannot be relieved of registration requirements, but may petition to be exempt from community notification requirements, including the public website and mailings.

jurisdiction receiving the 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.

XIII. 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.

XIV. Tribal Considerations

Twenty-nine eligible tribes located in Washington passed resolutions to be SORNA jurisdictions. Of those tribes, 17 have substantially implemented:

1. Confederated Tribes and Bands of the Yakama Nation
2. Confederated Tribes of the Colville Reservation
3. Kalispel Indian Community of the Kalispel Reservation
4. Lower Elwha Tribal Community
5. Lummi Tribe of the Lummi Reservation
6. Makah Indian Tribe of the Makah Indian Reservation
7. Nooksack Indian Tribe
8. Port Gamble S'Klallam Tribe
9. Puyallup Tribe of the Puyallup Reservation
10. Quinault Indian Nation
11. Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation
12. Skokomish Indian Tribe
13. Spokane Tribe of the Spokane Reservation
14. Squaxin Island Tribe of the Squaxin Island Reservation
15. Suquamish Indian Tribe of the Port Madison Reservation
16. Tulalip Tribes of Washington
17. Upper Skagit Indian Tribe

In addition, four tribes have opted to use some or part of Washington's system, which does not meet SORNA minimum requirements. In these cases, the SMART Office has determined that delegating responsibility to the state does not serve greater community safety goals. Therefore, although these tribes are not yet substantially implemented, they have not been delegated:

1. Confederated Tribes of the Chehalis Reservation
2. Muckleshoot Indian Tribe
3. Nisqually Indian Tribe
4. Swinomish Indian Tribal Community

One tribe, Samish Indian Nation, opted in to be a SORNA jurisdiction, but due to the status of the tribal land was not required to set up a registry system. The SMART Office is in the process of updating that evaluation.

Finally, the following seven tribes have opted out of implementing SORNA. Accordingly, the State of Washington carries out sex offender registration and notification processes for these tribes:

1. Cowlitz Indian Tribe
2. Hoh Tribal Business Committee
3. Jamestown S’Klallam Tribal Council
4. Quileute Tribal Council
5. Sauk-Suiattle Indian Tribe
6. Snoqualmie Tribe
7. Stillaguamish Board of Directors

In correspondence with Washington, it appears that the state is willing to provide assistance for tribes to set up and support registration programs. Where appropriate, tribes have agreements with local counties to facilitate information sharing. The primary state contact for tribal issues is below:

Leah R. Landon, M.S.
Forecast & Research Analyst/SOPB Coordinator
Office of Financial Management
Forecasting and Research Division
P.O. Box 43124
Olympia, WA 98504

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

Conclusion

We appreciate the effort Washington has put forth in submitting this substantial implementation package and in enhancing its sex offender registration and notification system. The SMART Office concludes that Washington has not yet substantially implemented SORNA. There are many provisions identified in this report that should be addressed in order for Washington to substantially implement SORNA. We look forward to working with Washington on this effort.

Appendix

Washington Offense Tiering Policy Review

The SMART Office has reviewed the relevant statutes in the Revised Code of Washington (RCW) and has identified the state's placement of these statutes within the tiering policy structure created in Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA).

In reviewing the statutes, the SMART Office understands that Washington has essentially three categories for purposes of its registration duration requirements:

10-year duration

- Offenders convicted of a class C felony sex offense and some gross misdemeanor sex offenses

15-year duration

- Offenders convicted of a class B felony sex offense

Lifetime/Indefinite duration

- Offenders convicted of a class A felony
- Any person convicted of a sex offense or kidnapping offense who has a prior conviction for a sex offense or kidnapping offense
- Any person determined to be a sexually violent predator under RCW § 71.09
- Any person required to register for a federal, tribal or out-of-state conviction

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

- Level I: Law enforcement conducts annual face-to-face address verifications.
- Level II: Law enforcement conducts semiannual face-to-face address verifications.
- Level III: Law enforcement conducts quarterly face-to-face address verifications.

The following sections describe how Washington'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 (1), (2) Viewing depictions of a minor 1

- RCW 9.68A.090 Communication with a minor for immoral purposes
- RCW 9A.40.040 Unlawful imprisonment of a minor
- RCW 9A.44.096 Sexual misconduct with a minor 2
- RCW 9A.44.115 Voyeurism
- RCW 9A.44.160 Custodial sexual misconduct 1 (non-forcible)
- RCW 9A.64.020 Incest 1 (victim was over 17 and non-forcible)
- RCW 9A.64.020 Incest 2 (victim over 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 six months:

- RCW 9.68A.040 Sexual exploitation of a minor
- RCW 9.68A.050 (1), (2) Dealing in depictions of minor engaged in sexually explicit
- RCW 9.68A.060 Sending, bringing into state depictions of minor engaged in sexually explicit conduct
- RCW 9.68A.090 (1), (2) Communication with a minor for immoral purposes (second or subsequent offense or prior sex offense, 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.40.100 (1), (2) Trafficking
- RCW 9A.44.086 Child molestation 2
- RCW 9A.44.089 Child molestation 3
- RCW 9A.44.093 Sexual misconduct with a minor 1 (victim age 16-17)
- RCW 9A.44.160 Custodial sexual misconduct (forcible)
- RCW 9A.64.020 Incest 1 (victim age 16-17)
- RCW 9A.64.020 Incest 2 (victim was age 13-17)
- RCW 9A.88.070 Promoting prostitution 1 (victim under the age of 18)
- RCW 9A.88.080 Promoting prostitution 2

SORNA TIER III

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

- RCW 9A.40.020 Kidnapping 1
- RCW 9A.40.030 Kidnapping 2
- RCW 9A.44.040, 045 Rape 1
- RCW 9A.44.050 Rape 2
- RCW 9A.44.060 Rape 3
- 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 (victim under age 16)
- RCW 9A.44.100 Indecent liberties (with forcible compulsion)
- RCW 9A.64.020 Incest 1 (victim under age 16)
- RCW 9A.64.020 Incest 2 (victim under age 13)

Further Review

Washington cited the following statutes as registerable offenses under Washington's registration scheme; however, they do not require registration under SORNA:

- RCW 9A.44.105 Sexually violating human remains
- RCW 9A.44.132 Failure to register as a sex offender (one or more prior failure-to-register convictions)
- RCW 9A.44.196 Criminal trespass against children
- RCW 9A.88.010 Indecent exposure

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