

2 HB 1924 - S AMD - 304

3 By Senators Goings, Long and Hargrove

4 ADOPTED 4/17/97

5 On page 21, after line 31, insert the following:

6 "Sec. 3. RCW 9A.44.130 and 1996 c 275 s 11 are each amended to
7 read as follows:

8 (1) Any adult or juvenile residing in this state who has been found
9 to have committed or has been convicted of any sex offense, or who has
10 been found not guilty by reason of insanity under chapter 10.77 RCW of
11 committing any sex offense, shall register with the county sheriff for
12 the county of the person's residence.

13 (2) The person shall provide the county sheriff with the following
14 information when registering: (a) Name; (b) address; (c) date and
15 place of birth; (d) place of employment; (e) crime for which convicted;
16 (f) date and place of conviction; (g) aliases used; and (h) social
17 security number.

18 (3)(a) Sex offenders shall register within the following deadlines.
19 For purposes of this section the term "conviction" refers to adult
20 convictions and juvenile adjudications for sex offenses:

21 (i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex
22 offense on, before, or after February 28, 1990, and who, on or after
23 July 28, 1991, are in custody, as a result of that offense, of the
24 state department of corrections, the state department of social and
25 health services, a local division of youth services, or a local jail or
26 juvenile detention facility, must register within twenty-four hours
27 from the time of release with the county sheriff for the county of the
28 person's residence. The agency that has jurisdiction over the offender
29 shall provide notice to the sex offender of the duty to register.
30 Failure to register within twenty-four hours of release constitutes a
31 violation of this section and is punishable as provided in subsection
32 (7) of this section.

33 (ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
34 JURISDICTION. Sex offenders, who, on July 28, 1991, are not in custody
35 but are under the jurisdiction of the indeterminate sentence review

1 board or under the department of correction's active supervision, as
2 defined by the department of corrections, the state department of
3 social and health services, or a local division of youth services, for
4 sex offenses committed before, on, or after February 28, 1990, must
5 register within ten days of July 28, 1991. A change in supervision
6 status of a sex offender who was required to register under this
7 subsection (3)(a)(ii) as of July 28, 1991, shall not relieve the
8 offender of the duty to register or to reregister following a change in
9 residence. The obligation to register shall only cease pursuant to RCW
10 9A.44.140.

11 (iii) SEX OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who,
12 on or after July 23, 1995, as a result of that offense are in the
13 custody of the United States bureau of prisons or other federal or
14 military correctional agency for sex offenses committed before, on, or
15 after February 28, 1990, must register within twenty-four hours from
16 the time of release with the county sheriff for the county of the
17 person's residence. Sex offenders who, on July 23, 1995, are not in
18 custody but are under the jurisdiction of the United States bureau of
19 prisons, United States courts, United States parole commission, or
20 military parole board for sex offenses committed before, on, or after
21 February 28, 1990, must register within ten days of July 23, 1995. A
22 change in supervision status of a sex offender who was required to
23 register under this subsection (3)(a)(iii) as of July 23, 1995, shall
24 not relieve the offender of the duty to register or to reregister
25 following a change in residence. The obligation to register shall only
26 cease pursuant to RCW 9A.44.140.

27 (iv) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex
28 offenders who are convicted of a sex offense on or after July 28, 1991,
29 for a sex offense that was committed on or after February 28, 1990, but
30 who are not sentenced to serve a term of confinement immediately upon
31 sentencing, shall report to the county sheriff to register immediately
32 upon completion of being sentenced.

33 (v) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
34 RESIDENTS. Sex offenders who move to Washington state from another
35 state or a foreign country that are not under the jurisdiction of the
36 state department of corrections, the indeterminate sentence review
37 board, or the state department of social and health services at the
38 time of moving to Washington, must register within thirty days of
39 establishing residence or reestablishing residence if the person is a

1 former Washington resident. The duty to register under this subsection
2 applies to sex offenders convicted under the laws of another state or
3 a foreign country, federal or military statutes, or Washington state
4 for offenses committed on or after February 28, 1990. Sex offenders
5 from other states or a foreign country who, when they move to
6 Washington, are under the jurisdiction of the department of
7 corrections, the indeterminate sentence review board, or the department
8 of social and health services must register within twenty-four hours of
9 moving to Washington. The agency that has jurisdiction over the
10 offender shall notify the offender of the registration requirements
11 before the offender moves to Washington.

12 (vi) SEX OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any
13 adult or juvenile who has been found not guilty by reason of insanity
14 under chapter 10.77 RCW of committing a sex offense on, before, or
15 after February 28, 1990, and who, on or after July 23, 1995, is in
16 custody, as a result of that finding, of the state department of social
17 and health services, must register within twenty-four hours from the
18 time of release with the county sheriff for the county of the person's
19 residence. The state department of social and health services shall
20 provide notice to the adult or juvenile in its custody of the duty to
21 register. Any adult or juvenile who has been found not guilty by
22 reason of insanity of committing a sex offense on, before, or after
23 February 28, 1990, but who was released prior to July 23, 1995, shall
24 be required to register within twenty-four hours of receiving notice of
25 this registration requirement. The state department of social and
26 health services shall make reasonable attempts within available
27 resources to notify offenders who were released prior to July 23, 1995.
28 Failure to register within twenty-four hours of release, or of
29 receiving notice, constitutes a violation of this section and is
30 punishable as provided in subsection (7) of this section.

31 (b) Failure to register within the time required under this section
32 constitutes a per se violation of this section and is punishable as
33 provided in subsection (7) of this section. The county sheriff shall
34 not be required to determine whether the person is living within the
35 county.

36 (c) An arrest on charges of failure to register, service of an
37 information, or a complaint for a violation of this section, or
38 arraignment on charges for a violation of this section, constitutes
39 actual notice of the duty to register. Any person charged with the

1 crime of failure to register under this section who asserts as a
2 defense the lack of notice of the duty to register shall register
3 immediately following actual notice of the duty through arrest,
4 service, or arraignment. Failure to register as required under this
5 subsection (c) constitutes grounds for filing another charge of failing
6 to register. Registering following arrest, service, or arraignment on
7 charges shall not relieve the offender from criminal liability for
8 failure to register prior to the filing of the original charge.

9 (d) The deadlines for the duty to register under this section do
10 not relieve any sex offender of the duty to register under this section
11 as it existed prior to July 28, 1991.

12 (4)(a) If any person required to register pursuant to this section
13 changes his or her residence address within the same county, the person
14 must send written notice of the change of address to the county sheriff
15 at least fourteen days before moving. If any person required to
16 register pursuant to this section moves to a new county, the person
17 must send written notice of the change of address at least fourteen
18 days before moving to the county sheriff in the new county of residence
19 and must register with that county sheriff within twenty-four hours of
20 moving. The person must also send written notice within ten days of
21 the change of address in the new county to the county sheriff with whom
22 the person last registered. If any person required to register
23 pursuant to this section moves out of Washington state, the person must
24 also send written notice within ten days of moving to the new state or
25 a foreign country to the county sheriff with whom the person last
26 registered in Washington state.

27 (b) It is an affirmative defense to a charge that the person failed
28 to send a notice at least fourteen days in advance of moving as
29 required under (a) of this subsection that the person did not know the
30 location of his or her new residence at least fourteen days before
31 moving. The defendant must establish the defense by a preponderance of
32 the evidence and, to prevail on the defense, must also prove by a
33 preponderance that the defendant sent the required notice within
34 twenty-four hours of determining the new address.

35 (5) The county sheriff shall obtain a photograph of the individual
36 and shall obtain a copy of the individual's fingerprints.

37 (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200,
38 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex
39 offense by RCW 9.94A.030 and any violation of RCW 9.68A.090 or

1 9A.44.096 as well as any gross misdemeanor that is, under chapter 9A.28
2 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy
3 to commit an offense that is classified as a sex offense under RCW
4 9.94A.030.

5 (7) A person who knowingly fails to register or who moves without
6 notifying the county sheriff as required by this section is guilty of
7 a class C felony if the crime for which the individual was convicted
8 was a ((~~class A~~)) felony or a federal or out-of-state conviction for an
9 offense that under the laws of this state would be a((~~class A~~)) felony.
10 If the crime was other than a ((~~class A~~)) felony or a federal or out-
11 of-state conviction for an offense that under the laws of this state
12 would be other than a ((~~class A~~)) felony, violation of this section is
13 a gross misdemeanor."

14 **HB 1924** - S AMD - 308

15 By Senators Rossi, Hargrove, Fairley and Roach

16 ADOPTED 4/17/97

17 On page 21, after line 31, insert the following:

18 "**Sec. 3.** RCW 9.94A.030 and 1996 c 289 s 1 and 1996 c 275 s 5 are
19 each reenacted and amended to read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Collect," or any derivative thereof, "collect and remit," or
23 "collect and deliver," when used with reference to the department of
24 corrections, means that the department is responsible for monitoring
25 and enforcing the offender's sentence with regard to the legal
26 financial obligation, receiving payment thereof from the offender, and,
27 consistent with current law, delivering daily the entire payment to the
28 superior court clerk without depositing it in a departmental account.

29 (2) "Commission" means the sentencing guidelines commission.

30 (3) "Community corrections officer" means an employee of the
31 department who is responsible for carrying out specific duties in
32 supervision of sentenced offenders and monitoring of sentence
33 conditions.

34 (4) "Community custody" means that portion of an inmate's sentence
35 of confinement in lieu of earned early release time or imposed pursuant
36 to RCW 9.94A.120 (6), (8), or (10) served in the community subject to

1 controls placed on the inmate's movement and activities by the
2 department of corrections.

3 (5) "Community placement" means that period during which the
4 offender is subject to the conditions of community custody and/or
5 postrelease supervision, which begins either upon completion of the
6 term of confinement (postrelease supervision) or at such time as the
7 offender is transferred to community custody in lieu of earned early
8 release. Community placement may consist of entirely community
9 custody, entirely postrelease supervision, or a combination of the two.

10 (6) "Community service" means compulsory service, without
11 compensation, performed for the benefit of the community by the
12 offender.

13 (7) "Community supervision" means a period of time during which a
14 convicted offender is subject to crime-related prohibitions and other
15 sentence conditions imposed by a court pursuant to this chapter or RCW
16 16.52.200(6) or 46.61.524. For first-time offenders, the supervision
17 may include crime-related prohibitions and other conditions imposed
18 pursuant to RCW 9.94A.120(5). For purposes of the interstate compact
19 for out-of-state supervision of parolees and probationers, RCW
20 9.95.270, community supervision is the functional equivalent of
21 probation and should be considered the same as probation by other
22 states.

23 (8) "Confinement" means total or partial confinement as defined in
24 this section.

25 (9) "Conviction" means an adjudication of guilt pursuant to Titles
26 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
27 acceptance of a plea of guilty.

28 (10) "Court-ordered legal financial obligation" means a sum of
29 money that is ordered by a superior court of the state of Washington
30 for legal financial obligations which may include restitution to the
31 victim, statutorily imposed crime victims' compensation fees as
32 assessed pursuant to RCW 7.68.035, court costs, county or interlocal
33 drug funds, court-appointed attorneys' fees, and costs of defense,
34 fines, and any other financial obligation that is assessed to the
35 offender as a result of a felony conviction. Upon conviction for
36 vehicular assault while under the influence of intoxicating liquor or
37 any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the
38 influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a),
39 legal financial obligations may also include payment to a public agency

1 of the expense of an emergency response to the incident resulting in
2 the conviction, subject to the provisions in RCW 38.52.430.

3 (11) "Crime-related prohibition" means an order of a court
4 prohibiting conduct that directly relates to the circumstances of the
5 crime for which the offender has been convicted, and shall not be
6 construed to mean orders directing an offender affirmatively to
7 participate in rehabilitative programs or to otherwise perform
8 affirmative conduct.

9 (12)(a) "Criminal history" means the list of a defendant's prior
10 convictions, whether in this state, in federal court, or elsewhere.
11 The history shall include, where known, for each conviction (i) whether
12 the defendant has been placed on probation and the length and terms
13 thereof; and (ii) whether the defendant has been incarcerated and the
14 length of incarceration.

15 (b) "Criminal history" shall always include juvenile convictions
16 for sex offenses and serious violent offenses and shall also include a
17 defendant's other prior convictions in juvenile court if: (i) The
18 conviction was for an offense which is a felony or a serious traffic
19 offense and is criminal history as defined in RCW 13.40.020(9); (ii)
20 the defendant was fifteen years of age or older at the time the offense
21 was committed; and (iii) with respect to prior juvenile class B and C
22 felonies or serious traffic offenses, the defendant was less than
23 twenty-three years of age at the time the offense for which he or she
24 is being sentenced was committed.

25 (13) "Day fine" means a fine imposed by the sentencing judge that
26 equals the difference between the offender's net daily income and the
27 reasonable obligations that the offender has for the support of the
28 offender and any dependents.

29 (14) "Day reporting" means a program of enhanced supervision
30 designed to monitor the defendant's daily activities and compliance
31 with sentence conditions, and in which the defendant is required to
32 report daily to a specific location designated by the department or the
33 sentencing judge.

34 (15) "Department" means the department of corrections.

35 (16) "Determinate sentence" means a sentence that states with
36 exactitude the number of actual years, months, or days of total
37 confinement, of partial confinement, of community supervision, the
38 number of actual hours or days of community service work, or dollars or
39 terms of a legal financial obligation. The fact that an offender

1 through "earned early release" can reduce the actual period of
2 confinement shall not affect the classification of the sentence as a
3 determinate sentence.

4 (17) "Disposable earnings" means that part of the earnings of an
5 individual remaining after the deduction from those earnings of any
6 amount required by law to be withheld. For the purposes of this
7 definition, "earnings" means compensation paid or payable for personal
8 services, whether denominated as wages, salary, commission, bonuses, or
9 otherwise, and, notwithstanding any other provision of law making the
10 payments exempt from garnishment, attachment, or other process to
11 satisfy a court-ordered legal financial obligation, specifically
12 includes periodic payments pursuant to pension or retirement programs,
13 or insurance policies of any type, but does not include payments made
14 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
15 or Title 74 RCW.

16 (18) "Drug offense" means:

17 (a) Any felony violation of chapter 69.50 RCW except possession of
18 a controlled substance (RCW 69.50.401(d)) or forged prescription for a
19 controlled substance (RCW 69.50.403);

20 (b) Any offense defined as a felony under federal law that relates
21 to the possession, manufacture, distribution, or transportation of a
22 controlled substance; or

23 (c) Any out-of-state conviction for an offense that under the laws
24 of this state would be a felony classified as a drug offense under (a)
25 of this subsection.

26 (19) "Escape" means:

27 (a) Escape in the first degree (RCW 9A.76.110), escape in the
28 second degree (RCW 9A.76.120), willful failure to return from furlough
29 (RCW 72.66.060), willful failure to return from work release (RCW
30 72.65.070), or willful failure to be available for supervision by the
31 department while in community custody (RCW 72.09.310); or

32 (b) Any federal or out-of-state conviction for an offense that
33 under the laws of this state would be a felony classified as an escape
34 under (a) of this subsection.

35 (20) "Felony traffic offense" means:

36 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
37 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-
38 and-run injury-accident (RCW 46.52.020(4)); or

1 (b) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be a felony classified as a felony
3 traffic offense under (a) of this subsection.

4 (21) "Fines" means the requirement that the offender pay a specific
5 sum of money over a specific period of time to the court.

6 (22)(a) "First-time offender" means any person who is convicted of
7 a felony (i) not classified as a violent offense or a sex offense under
8 this chapter, or (ii) that is not the manufacture, delivery, or
9 possession with intent to manufacture or deliver a controlled substance
10 classified in schedule I or II that is a narcotic drug, nor the
11 manufacture, delivery, or possession with intent to deliver
12 methamphetamine, its salts, isomers, and salts of its isomers as
13 defined in RCW 69.50.206(d)(2), nor the selling for profit of any
14 controlled substance or counterfeit substance classified in schedule I,
15 RCW 69.50.204, except leaves and flowering tops of marijuana, and
16 except as provided in (b) of this subsection, who previously has never
17 been convicted of a felony in this state, federal court, or another
18 state, and who has never participated in a program of deferred
19 prosecution for a felony offense.

20 (b) For purposes of (a) of this subsection, a juvenile adjudication
21 for an offense committed before the age of fifteen years is not a
22 previous felony conviction except for adjudications of sex offenses and
23 serious violent offenses.

24 (23) "Most serious offense" means any of the following felonies or
25 a felony attempt to commit any of the following felonies, as now
26 existing or hereafter amended:

27 (a) Any felony defined under any law as a class A felony or
28 criminal solicitation of or criminal conspiracy to commit a class A
29 felony;

30 (b) Assault in the second degree;

31 (c) Assault of a child in the second degree;

32 (d) Child molestation in the second degree;

33 (e) Controlled substance homicide;

34 (f) Extortion in the first degree;

35 (g) Incest when committed against a child under age fourteen;

36 (h) Indecent liberties;

37 (i) Kidnapping in the second degree;

38 (j) Leading organized crime;

39 (k) Manslaughter in the first degree;

1 (l) Manslaughter in the second degree;
2 (m) Promoting prostitution in the first degree;
3 (n) Rape in the third degree;
4 (o) Robbery in the second degree;
5 (p) Sexual exploitation;
6 (q) Vehicular assault;
7 (r) Vehicular homicide, when proximately caused by the driving of
8 any vehicle by any person while under the influence of intoxicating
9 liquor or any drug as defined by RCW 46.61.502, or by the operation of
10 any vehicle in a reckless manner;
11 (s) Any other class B felony offense with a finding of sexual
12 motivation, as "sexual motivation" is defined under this section;
13 (t) Any other felony with a deadly weapon verdict under RCW
14 9.94A.125;
15 (u) Any felony offense in effect at any time prior to December 2,
16 1993, that is comparable to a most serious offense under this
17 subsection, or any federal or out-of-state conviction for an offense
18 that under the laws of this state would be a felony classified as a
19 most serious offense under this subsection;
20 (v)(i) A prior conviction for indecent liberties under RCW
21 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
22 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
23 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
24 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
25 (ii) A prior conviction for indecent liberties under RCW
26 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
27 if: (A) The crime was committed against a child under the age of
28 fourteen; or (B) the relationship between the victim and perpetrator is
29 included in the definition of indecent liberties under RCW
30 9A.44.100(1)(c) as it existed from July 1, 1988, through the effective
31 date of this section or RCW 9A.44.100(1) (d) or (e) as it existed from
32 July 25, 1993, through the effective date of this section.
33 (24) "Nonviolent offense" means an offense which is not a violent
34 offense.
35 (25) "Offender" means a person who has committed a felony
36 established by state law and is eighteen years of age or older or is
37 less than eighteen years of age but whose case has been transferred by
38 the appropriate juvenile court to a criminal court pursuant to RCW

1 13.40.110. Throughout this chapter, the terms "offender" and
2 "defendant" are used interchangeably.

3 (26) "Partial confinement" means confinement for no more than one
4 year in a facility or institution operated or utilized under contract
5 by the state or any other unit of government, or, if home detention or
6 work crew has been ordered by the court, in an approved residence, for
7 a substantial portion of each day with the balance of the day spent in
8 the community. Partial confinement includes work release, home
9 detention, work crew, and a combination of work crew and home detention
10 as defined in this section.

11 (27) "Persistent offender" is an offender who:

12 (a)(i) Has been convicted in this state of any felony considered a
13 most serious offense; and

14 (ii) Has, before the commission of the offense under (a) of this
15 subsection, been convicted as an offender on at least two separate
16 occasions, whether in this state or elsewhere, of felonies that under
17 the laws of this state would be considered most serious offenses and
18 would be included in the offender score under RCW 9.94A.360; provided
19 that of the two or more previous convictions, at least one conviction
20 must have occurred before the commission of any of the other most
21 serious offenses for which the offender was previously convicted; or

22 (b)(i) Has been convicted of (A) rape in the first degree, rape in
23 the second degree, or indecent liberties by forcible compulsion; (B)
24 murder in the first degree, murder in the second degree, kidnapping in
25 the first degree, kidnapping in the second degree, assault in the first
26 degree, assault in the second degree, or burglary in the first degree,
27 with a finding of sexual motivation; or (C) an attempt to commit any
28 crime listed in this subsection (27)(b)(i); and

29 (ii) Has, before the commission of the offense under (b)(i) of this
30 subsection, been convicted as an offender on at least one occasion,
31 whether in this state or elsewhere, of an offense listed in (b)(i) of
32 this subsection.

33 (28) "Postrelease supervision" is that portion of an offender's
34 community placement that is not community custody.

35 (29) "Restitution" means the requirement that the offender pay a
36 specific sum of money over a specific period of time to the court as
37 payment of damages. The sum may include both public and private costs.
38 The imposition of a restitution order does not preclude civil redress.

39 (30) "Serious traffic offense" means:

1 (a) Driving while under the influence of intoxicating liquor or any
2 drug (RCW 46.61.502), actual physical control while under the influence
3 of intoxicating liquor or any drug (RCW 46.61.504), reckless driving
4 (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5));
5 or

6 (b) Any federal, out-of-state, county, or municipal conviction for
7 an offense that under the laws of this state would be classified as a
8 serious traffic offense under (a) of this subsection.

9 (31) "Serious violent offense" is a subcategory of violent offense
10 and means:

11 (a) Murder in the first degree, homicide by abuse, murder in the
12 second degree, assault in the first degree, kidnapping in the first
13 degree, or rape in the first degree, assault of a child in the first
14 degree, or an attempt, criminal solicitation, or criminal conspiracy to
15 commit one of these felonies; or

16 (b) Any federal or out-of-state conviction for an offense that
17 under the laws of this state would be a felony classified as a serious
18 violent offense under (a) of this subsection.

19 (32) "Sentence range" means the sentencing court's discretionary
20 range in imposing a nonappealable sentence.

21 (33) "Sex offense" means:

22 (a) A felony that is a violation of chapter 9A.44 RCW or RCW
23 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a
24 criminal attempt, criminal solicitation, or criminal conspiracy to
25 commit such crimes;

26 (b) A felony with a finding of sexual motivation under RCW
27 9.94A.127 or 13.40.135; or

28 (c) Any federal or out-of-state conviction for an offense that
29 under the laws of this state would be a felony classified as a sex
30 offense under (a) of this subsection.

31 (34) "Sexual motivation" means that one of the purposes for which
32 the defendant committed the crime was for the purpose of his or her
33 sexual gratification.

34 (35) "Total confinement" means confinement inside the physical
35 boundaries of a facility or institution operated or utilized under
36 contract by the state or any other unit of government for twenty-four
37 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

38 (36) "Transition training" means written and verbal instructions
39 and assistance provided by the department to the offender during the

1 two weeks prior to the offender's successful completion of the work
2 ethic camp program. The transition training shall include instructions
3 in the offender's requirements and obligations during the offender's
4 period of community custody.

5 (37) "Victim" means any person who has sustained emotional,
6 psychological, physical, or financial injury to person or property as
7 a direct result of the crime charged.

8 (38) "Violent offense" means:

9 (a) Any of the following felonies, as now existing or hereafter
10 amended: Any felony defined under any law as a class A felony or an
11 attempt to commit a class A felony, criminal solicitation of or
12 criminal conspiracy to commit a class A felony, manslaughter in the
13 first degree, manslaughter in the second degree, indecent liberties if
14 committed by forcible compulsion, kidnapping in the second degree,
15 arson in the second degree, assault in the second degree, assault of a
16 child in the second degree, extortion in the first degree, robbery in
17 the second degree, vehicular assault, and vehicular homicide, when
18 proximately caused by the driving of any vehicle by any person while
19 under the influence of intoxicating liquor or any drug as defined by
20 RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

21 (b) Any conviction for a felony offense in effect at any time prior
22 to July 1, 1976, that is comparable to a felony classified as a violent
23 offense in (a) of this subsection; and

24 (c) Any federal or out-of-state conviction for an offense that
25 under the laws of this state would be a felony classified as a violent
26 offense under (a) or (b) of this subsection.

27 (39) "Work crew" means a program of partial confinement consisting
28 of civic improvement tasks for the benefit of the community of not less
29 than thirty-five hours per week that complies with RCW 9.94A.135. The
30 civic improvement tasks shall have minimal negative impact on existing
31 private industries or the labor force in the county where the service
32 or labor is performed. The civic improvement tasks shall not affect
33 employment opportunities for people with developmental disabilities
34 contracted through sheltered workshops as defined in RCW 82.04.385.
35 Only those offenders sentenced to a facility operated or utilized under
36 contract by a county or the state are eligible to participate on a work
37 crew. Offenders sentenced for a sex offense as defined in subsection
38 (33) of this section are not eligible for the work crew program.

1 (40) "Work ethic camp" means an alternative incarceration program
2 designed to reduce recidivism and lower the cost of corrections by
3 requiring offenders to complete a comprehensive array of real-world job
4 and vocational experiences, character-building work ethics training,
5 life management skills development, substance abuse rehabilitation,
6 counseling, literacy training, and basic adult education.

7 (41) "Work release" means a program of partial confinement
8 available to offenders who are employed or engaged as a student in a
9 regular course of study at school. Participation in work release shall
10 be conditioned upon the offender attending work or school at regularly
11 defined hours and abiding by the rules of the work release facility.

12 (42) "Home detention" means a program of partial confinement
13 available to offenders wherein the offender is confined in a private
14 residence subject to electronic surveillance."

15 **HB 1924** - S AMD - 304

16 By Senators Goings, Long and Hargrove

17 ADOPTED 4/17/97

18 On page 1, line 2 of the title, after ".320" strike all material
19 through "120" and insert ", 9.94A.120, and 9.94A.130"

20 **HB 1924** - S AMD - 308

21 By Senators Rossi, Hargrove, Fairley and Roach

22 ADOPTED 4/17/97

23 On page 1, line 2 of the title, after "9.94A.320" strike "and
24 9.94A.120" and insert ", 9.94A.120, and 9.94A.030"

--- END ---

EFFECT: Makes it a felony to fail to register as a sex offender following conviction of a felony sex offense.