
HOUSE BILL 2368

State of Washington

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By Representatives Carlson, Kenney, Radcliff, Gardner, Kastama, Anderson, Constantine and Mason

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1 AN ACT Relating to security on campuses of institutions of higher
2 education; amending RCW 9.41.280; reenacting and amending RCW
3 9A.44.130; and prescribing penalties.

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

5 **Sec. 1.** RCW 9A.44.130 and 1997 c 340 s 3 and 1997 c 113 s 3 are
6 each reenacted and amended to read as follows:

7 (1) Any adult or juvenile residing in this state who has been found
8 to have committed or has been convicted of any sex offense or
9 kidnapping offense, or who has been found not guilty by reason of
10 insanity under chapter 10.77 RCW of committing any sex offense or
11 kidnapping offense, shall register with the county sheriff for the
12 county of the person's residence. In addition, any such adult or
13 juvenile who is admitted to a public or private institution of higher
14 education shall, within ten days of receiving notice of the admission,
15 register with the institution's department of public safety and shall
16 provide that department with the same information to be provided a
17 county sheriff under subsection (2) of this section.

18 (2) The person shall provide the county sheriff with the following
19 information when registering: (a) Name; (b) address; (c) date and

1 place of birth; (d) place of employment; (e) crime for which convicted;
2 (f) date and place of conviction; (g) aliases used; and (h) social
3 security number.

4 (3)(a) Offenders shall register with the county sheriff within the
5 following deadlines. For purposes of this section the term
6 "conviction" refers to adult convictions and juvenile adjudications for
7 sex offenses or kidnapping offenses:

8 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
9 offense on, before, or after February 28, 1990, and who, on or after
10 July 28, 1991, are in custody, as a result of that offense, of the
11 state department of corrections, the state department of social and
12 health services, a local division of youth services, or a local jail or
13 juvenile detention facility, and (B) kidnapping offenders who on or
14 after July 27, 1997, are in custody of the state department of
15 corrections, the state department of social and health services, a
16 local division of youth services, or a local jail or juvenile detention
17 facility, must register within twenty-four hours from the time of
18 release with the county sheriff for the county of the person's
19 residence. The agency that has jurisdiction over the offender shall
20 provide notice to the offender of the duty to register. Failure to
21 register within twenty-four hours of release constitutes a violation of
22 this section and is punishable as provided in subsection (7) of this
23 section.

24 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
25 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
26 but are under the jurisdiction of the indeterminate sentence review
27 board or under the department of correction's active supervision, as
28 defined by the department of corrections, the state department of
29 social and health services, or a local division of youth services, for
30 sex offenses committed before, on, or after February 28, 1990, must
31 register within ten days of July 28, 1991. Kidnapping offenders who,
32 on July 27, 1997, are not in custody but are under the jurisdiction of
33 the indeterminate sentence review board or under the department of
34 correction's active supervision, as defined by the department of
35 corrections, the state department of social and health services, or a
36 local division of youth services, for kidnapping offenses committed
37 before, on, or after July 27, 1997, must register within ten days of
38 July 27, 1997. A change in supervision status of a sex offender who
39 was required to register under this subsection (3)(a)(ii) as of July

1 28, 1991, or a kidnapping offender required to register as of July 27,
2 1997, shall not relieve the offender of the duty to register or to
3 reregister following a change in residence. The obligation to register
4 shall only cease pursuant to RCW 9A.44.140.

5 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
6 or after July 23, 1995, and kidnapping offenders who, on or after July
7 27, 1997, as a result of that offense are in the custody of the United
8 States bureau of prisons or other federal or military correctional
9 agency for sex offenses committed before, on, or after February 28,
10 1990, or kidnapping offenses committed on, before, or after July 27,
11 1997, must register within twenty-four hours from the time of release
12 with the county sheriff for the county of the person's residence. Sex
13 offenders who, on July 23, 1995, are not in custody but are under the
14 jurisdiction of the United States bureau of prisons, United States
15 courts, United States parole commission, or military parole board for
16 sex offenses committed before, on, or after February 28, 1990, must
17 register within ten days of July 23, 1995. Kidnapping offenders who,
18 on July 27, 1997, are not in custody but are under the jurisdiction of
19 the United States bureau of prisons, United States courts, United
20 States parole commission, or military parole board for kidnapping
21 offenses committed before, on, or after July 27, 1997, must register
22 within ten days of July 27, 1997. A change in supervision status of a
23 sex offender who was required to register under this subsection
24 (3)(a)(iii) as of July 23, 1995, or a kidnapping offender required to
25 register as of July 27, 1997 shall not relieve the offender of the duty
26 to register or to reregister following a change in residence. The
27 obligation to register shall only cease pursuant to RCW 9A.44.140.

28 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
29 who are convicted of a sex offense on or after July 28, 1991, for a sex
30 offense that was committed on or after February 28, 1990, and
31 kidnapping offenders who are convicted on or after July 27, 1997, for
32 a kidnapping offense that was committed on or after July 27, 1997, but
33 who are not sentenced to serve a term of confinement immediately upon
34 sentencing, shall report to the county sheriff to register immediately
35 upon completion of being sentenced.

36 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
37 RESIDENTS. Sex offenders and kidnapping offenders who move to
38 Washington state from another state or a foreign country that are not
39 under the jurisdiction of the state department of corrections, the

1 indeterminate sentence review board, or the state department of social
2 and health services at the time of moving to Washington, must register
3 within thirty days of establishing residence or reestablishing
4 residence if the person is a former Washington resident. The duty to
5 register under this subsection applies to sex offenders convicted under
6 the laws of another state or a foreign country, federal or military
7 statutes, or Washington state for offenses committed on or after
8 February 28, 1990, and to kidnapping offenders convicted under the laws
9 of another state or a foreign country, federal or military statutes, or
10 Washington state for offenses committed on or after July 27, 1997. Sex
11 offenders and kidnapping offenders from other states or a foreign
12 country who, when they move to Washington, are under the jurisdiction
13 of the department of corrections, the indeterminate sentence review
14 board, or the department of social and health services must register
15 within twenty-four hours of moving to Washington. The agency that has
16 jurisdiction over the offender shall notify the offender of the
17 registration requirements before the offender moves to Washington.

18 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
19 or juvenile who has been found not guilty by reason of insanity under
20 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
21 February 28, 1990, and who, on or after July 23, 1995, is in custody,
22 as a result of that finding, of the state department of social and
23 health services, or (B) committing a kidnapping offense on, before, or
24 after July 27, 1997, and who on or after July 27, 1997, is in custody,
25 as a result of that finding, of the state department of social and
26 health services, must register within twenty-four hours from the time
27 of release with the county sheriff for the county of the person's
28 residence. The state department of social and health services shall
29 provide notice to the adult or juvenile in its custody of the duty to
30 register. Any adult or juvenile who has been found not guilty by
31 reason of insanity of committing a sex offense on, before, or after
32 February 28, 1990, but who was released before July 23, 1995, or any
33 adult or juvenile who has been found not guilty by reason of insanity
34 of committing a kidnapping offense but who was released before July 27,
35 1997, shall be required to register within twenty-four hours of
36 receiving notice of this registration requirement. The state
37 department of social and health services shall make reasonable attempts
38 within available resources to notify sex offenders who were released
39 before July 23, 1995, and kidnapping offenders who were released before

1 July 27, 1997. Failure to register within twenty-four hours of
2 release, or of receiving notice, constitutes a violation of this
3 section and is punishable as provided in subsection (7) of this
4 section.

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

10 (c) An arrest on charges of failure to register, service of an
11 information, or a complaint for a violation of this section, or
12 arraignment on charges for a violation of this section, constitutes
13 actual notice of the duty to register. Any person charged with the
14 crime of failure to register under this section who asserts as a
15 defense the lack of notice of the duty to register shall register
16 immediately following actual notice of the duty through arrest,
17 service, or arraignment. Failure to register as required under this
18 subsection (c) constitutes grounds for filing another charge of failing
19 to register. Registering following arrest, service, or arraignment on
20 charges shall not relieve the offender from criminal liability for
21 failure to register prior to the filing of the original charge.

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

25 (4)(a) If any person required to register pursuant to this section
26 changes his or her residence address within the same county, the person
27 must send written notice of the change of address to the county sheriff
28 at least fourteen days before moving. If any person required to
29 register pursuant to this section moves to a new county, the person
30 must send written notice of the change of address at least fourteen
31 days before moving to the county sheriff in the new county of residence
32 and must register with that county sheriff within twenty-four hours of
33 moving. The person must also send written notice within ten days of
34 the change of address in the new county to the county sheriff with whom
35 the person last registered. If any person required to register
36 pursuant to this section moves out of Washington state, the person must
37 also send written notice within ten days of moving to the new state or
38 a foreign country to the county sheriff with whom the person last
39 registered in Washington state.

1 (b) It is an affirmative defense to a charge that the person failed
2 to send a notice at least fourteen days in advance of moving as
3 required under (a) of this subsection that the person did not know the
4 location of his or her new residence at least fourteen days before
5 moving. The defendant must establish the defense by a preponderance of
6 the evidence and, to prevail on the defense, must also prove by a
7 preponderance that the defendant sent the required notice within
8 twenty-four hours of determining the new address.

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

11 (6) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
12 70.48.470, and 72.09.330:

13 (a) "Sex offense" means any offense defined as a sex offense by RCW
14 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a
15 minor), 9.68A.050 (dealing in depictions of minor engaged in sexually
16 explicit conduct), 9.68A.060 (sending, bringing into state depictions
17 of minor engaged in sexually explicit conduct), 9.68A.090
18 (communication with minor for immoral purposes), 9.68A.100 (patronizing
19 juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in
20 the second degree), as well as any gross misdemeanor that is, under
21 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
22 criminal conspiracy to commit an offense that is classified as a sex
23 offense under RCW 9.94A.030.

24 (b) "Kidnapping offense" means the crimes of kidnapping in the
25 first degree, kidnapping in the second degree, and unlawful
26 imprisonment as defined in chapter 9A.40 RCW, where the victim is a
27 minor and the offender is not the minor's parent.

28 (7) A person who knowingly fails to register with a county sheriff
29 or with a department of public safety of an institution of higher
30 education or who moves without notifying the county sheriff as required
31 by this section is guilty of a class C felony if the crime for which
32 the individual was convicted was a felony or a federal or out-of-state
33 conviction for an offense that under the laws of this state would be a
34 felony. If the crime was other than a felony or a federal or out-of-
35 state conviction for an offense that under the laws of this state would
36 be other than a felony, violation of this section is a gross
37 misdemeanor.

1 **Sec. 2.** RCW 9.41.280 and 1996 c 295 s 13 are each amended to read
2 as follows:

3 (1) It is unlawful for a person to carry onto, or to possess on,
4 the campus of any public or private institution of higher education, or
5 any properties or facilities owned or controlled by such institution of
6 higher education, or public or private elementary or secondary school
7 premises, school-provided transportation, or areas of facilities while
8 being used exclusively by public or private schools:

9 (a) Any firearm;

10 (b) Any other dangerous weapon as defined in RCW 9.41.250;

11 (c) Any device commonly known as "nun-chu-ka sticks", consisting of
12 two or more lengths of wood, metal, plastic, or similar substance
13 connected with wire, rope, or other means;

14 (d) Any device, commonly known as "throwing stars", which are
15 multi-pointed, metal objects designed to embed upon impact from any
16 aspect; or

17 (e) Any air gun, including any air pistol or air rifle, designed to
18 propel a BB, pellet, or other projectile by the discharge of compressed
19 air, carbon dioxide, or other gas.

20 (2) Any such person violating subsection (1) of this section is
21 guilty of a gross misdemeanor. Any violation of subsection (1)(a) of
22 this section by any student of the institution of higher education may,
23 in addition to penalties the court imposes, be subject to such
24 disciplinary action as the institution of higher education determines
25 appropriate. If any person is convicted of a violation of subsection
26 (1)(a) of this section, the person shall have his or her concealed
27 pistol license, if any revoked for a period of three years. Anyone
28 convicted under this subsection is prohibited from applying for a
29 concealed pistol license for a period of three years. The court shall
30 send notice of the revocation to the department of licensing, and the
31 city, town, or county which issued the license.

32 Any violation of subsection (1) of this section by elementary or
33 secondary school students constitutes grounds for expulsion from the
34 state's public schools in accordance with RCW 28A.600.010. An
35 appropriate school authority shall promptly notify law enforcement and
36 the student's parent or guardian regarding any allegation or indication
37 of such violation.

38 (3) Subsection (1) of this section does not apply to:

1 (a) Any student or employee of a private military academy when on
2 the property of the academy;

3 (b) Any student of an institution of higher education who
4 immediately after entering such institution of higher education campus
5 deposits his or her legally owned firearm for secure storage at
6 facilities designated by the institution of higher education for
7 firearm storage;

8 (c) Any person engaged in military, law enforcement, or school
9 district security activities;

10 ~~((e))~~ (d) Any person who is involved in a convention, showing,
11 demonstration, lecture, or firearms safety course authorized by the
12 administration of an institution of higher education or school
13 authorities in which the firearms of collectors or instructors are
14 handled or displayed;

15 ~~((d))~~ (e) Any person while the person is participating in a
16 firearms or air gun competition approved by the school or school
17 district;

18 ~~((e))~~ (f) Any person in possession of a pistol who has been
19 issued a license under RCW 9.41.070, or is exempt from the licensing
20 requirement by RCW 9.41.060, while picking up or dropping off a
21 student;

22 ~~((f))~~ (g) Any nonstudent at least eighteen years of age legally
23 in possession of a firearm or dangerous weapon that is secured within
24 an attended vehicle or concealed from view within a locked unattended
25 vehicle while conducting legitimate business at the school;

26 ~~((g))~~ (h) Any nonstudent at least eighteen years of age who is in
27 lawful possession of an unloaded firearm, secured in a vehicle while
28 conducting legitimate business at the school; ~~((e~~
29 ~~h))~~ (i) Any person in possession of a pistol who has been issued
30 a license under RCW 9.41.070 or is exempt from the licensing
31 requirement by RCW 9.41.060, or who possesses any other firearm that
32 might lawfully be possessed off the campus of an institution of higher
33 education if the person is transiting through the campus;

34 (j) Any law enforcement officer of the federal, state, or local
35 government agency; or

36 (k) Any person who is involved in any event, game, or competition
37 authorized by the administration of an institution of higher education
38 in which firearms are a requisite part.

1 (4) Subsection(~~(s)~~) (1)(c) and (d) of this section (~~(de)~~) does not
2 apply to any person who possesses nun-chu-ka sticks, throwing stars, or
3 other dangerous weapons to be used in martial arts classes authorized
4 by the administration of an institution of higher education to be held
5 on that institution's campus or authorized to be conducted on (~~the~~)
6 school premises.

7 (5) Except as provided in subsection (3)(~~(b)~~,) (c), (~~(f)~~) (d),
8 (g), and (~~(h)~~) (j) of this section, firearms are not permitted in a
9 public or private school building.

10 (6) "GUN-FREE ZONE" signs shall be posted around school facilities
11 giving warning of the prohibition of the possession of firearms on
12 school grounds.

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