

ESSB 5735 - H COMM AMD
By Committee on Public Safety

NOT CONSIDERED

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 4.24.550 and 2011 c 337 s 1 are each amended to read
4 as follows:

5 (1) In addition to the disclosure under subsection (5) of this
6 section, public agencies are authorized to release information to the
7 public regarding sex offenders and kidnapping offenders when the agency
8 determines that disclosure of the information is relevant and necessary
9 to protect the public and counteract the danger created by the
10 particular offender. This authorization applies to information
11 regarding: (a) Any person adjudicated or convicted of a sex offense as
12 defined in RCW 9A.44.128 or a kidnapping offense as defined by RCW
13 9A.44.128; (b) any person under the jurisdiction of the indeterminate
14 sentence review board as the result of a sex offense or kidnapping
15 offense; (c) any person committed as a sexually violent predator under
16 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
17 (d) any person found not guilty of a sex offense or kidnapping offense
18 by reason of insanity under chapter 10.77 RCW; and (e) any person found
19 incompetent to stand trial for a sex offense or kidnapping offense and
20 subsequently committed under chapter 71.05 or 71.34 RCW.

21 (2) Except for the information specifically required under
22 subsection (5) of this section, the extent of the public disclosure of
23 relevant and necessary information shall be rationally related to: (a)
24 The level of risk posed by the offender to the community; (b) the
25 locations where the offender resides, expects to reside, or is
26 regularly found; and (c) the needs of the affected community members
27 for information to enhance their individual and collective safety.

28 (3) Except for the information specifically required under
29 subsection (5) of this section, local law enforcement agencies shall
30 consider the following guidelines in determining the extent of a public

1 disclosure made under this section: (a) For offenders classified as
2 risk level I, the agency shall share information with other appropriate
3 law enforcement agencies and, if the offender is a student, the public
4 or private school regulated under Title 28A RCW or chapter 72.40 RCW
5 which the offender is attending, or planning to attend. The agency may
6 disclose, upon written request, relevant, necessary, and accurate
7 information to any victim or witness to the offense (~~and to~~), any
8 individual community member who lives near the residence where the
9 offender resides, expects to reside, or is regularly found, and any
10 individual who requests information regarding a specifically named
11 offender; (b) for offenders classified as risk level II, the agency may
12 also disclose relevant, necessary, and accurate information to public
13 and private schools, child day care centers, family day care providers,
14 public libraries, businesses and organizations that serve primarily
15 children, women, or vulnerable adults, and neighbors and community
16 groups near the residence where the offender resides, expects to
17 reside, or is regularly found; (c) for offenders classified as risk
18 level III, the agency may also disclose relevant, necessary, and
19 accurate information to the public at large; and (d) because more
20 localized notification is not feasible and homeless and transient
21 offenders may present unique risks to the community, the agency may
22 also disclose relevant, necessary, and accurate information to the
23 public at large for offenders registered as homeless or transient.

24 (4) In addition to publication on the statewide registered sex and
25 kidnapping offender web site pursuant to subsection (5) of this
26 section, the county sheriff with whom an offender classified as risk
27 level III is registered shall (~~cause to be published by~~) release a
28 sex offender community notification that conforms to the guidelines
29 established under RCW 4.24.5501 by means including, but not limited to,
30 legal notice, advertising, or news release (~~a sex offender community~~
31 notification that conforms to the guidelines established under RCW
32 4.24.5501 in at least one legal newspaper with general circulation in
33 the area of the sex offender's registered address or location. Unless
34 the information is posted on the web site described in subsection (5)
35 of this section, this list shall be maintained by the county sheriff on
36 a publicly accessible web site and shall be updated at least once per
37 month)).

1 (5)(a) When funded by federal grants or other sources, the
2 Washington association of sheriffs and police chiefs shall create and
3 maintain a statewide registered kidnapping and sex offender web site,
4 which shall be available to the public. The web site shall post all
5 level III and level II registered sex offenders, level I registered sex
6 offenders only during the time they are out of compliance with
7 registration requirements under RCW 9A.44.130 or if lacking a fixed
8 residence as provided in RCW 9A.44.130, and all registered kidnapping
9 offenders in the state of Washington.

10 (i) For level III offenders, the web site shall contain, but is not
11 limited to, the registered sex offender's name, relevant criminal
12 convictions, address by hundred block, physical description, and
13 photograph. The web site shall provide mapping capabilities that
14 display the sex offender's address by hundred block on a map. The web
15 site shall allow citizens to search for registered sex offenders within
16 the state of Washington by county, city, zip code, last name, and
17 address by hundred block.

18 (ii) For level II offenders, and level I sex offenders during the
19 time they are out of compliance with registration requirements under
20 RCW 9A.44.130, the web site shall contain, but is not limited to, the
21 same information and functionality as described in (a)(i) of this
22 subsection, provided that it is permissible under state and federal
23 law. If it is not permissible, the web site shall be limited to the
24 information and functionality that is permissible under state and
25 federal law.

26 (iii) For kidnapping offenders, the web site shall contain, but is
27 not limited to, the same information and functionality as described in
28 (a)(i) of this subsection, provided that it is permissible under state
29 and federal law. If it is not permissible, the web site shall be
30 limited to the information and functionality that is permissible under
31 state and federal law.

32 (b) Until the implementation of (a) of this subsection, the
33 Washington association of sheriffs and police chiefs shall create a web
34 site available to the public that provides electronic links to county-
35 operated web sites that offer sex offender registration information.

36 (6)(a) Local law enforcement agencies (~~that disseminate~~
37 ~~information pursuant to this section~~) responsible for the registration
38 and dissemination of information regarding offenders required to

1 register under RCW 9A.44.130 shall assign a risk level classification
2 to all offenders after consideration of: ((a) Review) (i) Any
3 available risk level classifications ((made)) provided by the
4 department of corrections, the department of social and health
5 services, and the indeterminate sentence review board; ((b) assign
6 risk level classifications to all offenders about whom information will
7 be disseminated)) (ii) the agency's own application of an empirically
8 validated or generally accepted risk assessment tool as scored by staff
9 trained in the use of that tool; and (iii) other information and
10 aggravating or mitigating factors known to the agency and deemed
11 rationally related to the risk posed by the offender to the community
12 at large.

13 (b) A sex offender shall be classified as a risk level I if his or
14 her risk assessment and other information or factors deemed relevant by
15 the local law enforcement agency indicate he or she is a low risk
16 offender within the community at large. A sex offender shall be
17 classified as a risk level II if his or her risk assessment and other
18 information or factors deemed relevant by the local law enforcement
19 agency indicate he or she is a moderate risk offender within the
20 community at large. A sex offender shall be classified as a risk level
21 III if his or her risk assessment and other information or factors
22 deemed relevant by the local law enforcement agency indicate he or she
23 is a high risk offender within the community at large.

24 (c) The agency shall make a good faith effort to notify the public
25 and residents within a reasonable period of time after the offender
26 registers with the agency.

27 (d) The juvenile court shall provide local law enforcement
28 officials with all relevant information on offenders allowed to remain
29 in the community in a timely manner.

30 (7) An appointed or elected public official, public employee, or
31 public agency as defined in RCW 4.24.470, or units of local government
32 and its employees, as provided in RCW 36.28A.010, are immune from civil
33 liability for damages for any discretionary risk level classification
34 decisions or release of relevant and necessary information, unless it
35 is shown that the official, employee, or agency acted with gross
36 negligence or in bad faith. The immunity in this section applies to
37 risk level classification decisions and the release of relevant and
38 necessary information regarding any individual for whom disclosure is

1 authorized. The decision of a local law enforcement agency or official
2 to classify an offender to a risk level other than the one assigned by
3 the department of corrections, the department of social and health
4 services, or the indeterminate sentence review board, or the release of
5 any relevant and necessary information based on that different
6 classification shall not, by itself, be considered gross negligence or
7 bad faith. The immunity provided under this section applies to the
8 release of relevant and necessary information to other public
9 officials, public employees, or public agencies, and to the general
10 public.

11 (8) Except as may otherwise be provided by law, nothing in this
12 section shall impose any liability upon a public official, public
13 employee, or public agency for failing to release information
14 authorized under this section.

15 (9) Nothing in this section implies that information regarding
16 persons designated in subsection (1) of this section is confidential
17 except as may otherwise be provided by law.

18 (10) When a local law enforcement agency or official classifies an
19 offender differently than the offender is classified by the end of
20 sentence review committee (~~(or the department of social and health~~
21 ~~services))~~) at the time of the offender's release from confinement, the
22 law enforcement agency or official shall notify the end of sentence
23 review committee (~~(or the department of social and health services))~~
24 and the Washington state patrol and submit its reasons supporting the
25 change in classification.

26 **Sec. 2.** RCW 9A.44.128 and 2012 c 134 s 2 are each amended to read
27 as follows:

28 For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200,
29 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

30 (1) "Business day" means any day other than Saturday, Sunday, or a
31 legal local, state, or federal holiday.

32 (2) "Conviction" means any adult conviction or juvenile
33 adjudication for a sex offense or kidnapping offense.

34 (3) "Disqualifying offense" means a conviction for: Any offense
35 that is a felony; a sex offense as defined in this section; a crime
36 against children or persons as defined in RCW 43.43.830(~~((+5))~~)(7) and
37 9.94A.411(2)(a); an offense with a domestic violence designation as

1 provided in RCW 10.99.020; permitting the commercial sexual abuse of a
2 minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88
3 RCW.

4 (4) "Employed" or "carries on a vocation" means employment that is
5 full time or part time for a period of time exceeding fourteen days, or
6 for an aggregate period of time exceeding thirty days during any
7 calendar year. A person is employed or carries on a vocation whether
8 the person's employment is financially compensated, volunteered, or for
9 the purpose of government or educational benefit.

10 (5) "Fixed residence" means a building that a person lawfully and
11 habitually uses as living quarters a majority of the week. Uses as
12 living quarters means to conduct activities consistent with the common
13 understanding of residing, such as sleeping; eating; keeping personal
14 belongings; receiving mail; and paying utilities, rent, or mortgage.
15 A nonpermanent structure including, but not limited to, a motor home,
16 travel trailer, camper, or boat may qualify as a residence provided it
17 is lawfully and habitually used as living quarters a majority of the
18 week, primarily kept at one location with a physical address, and the
19 location it is kept at is either owned or rented by the person or used
20 by the person with the permission of the owner or renter. A shelter
21 program may qualify as a residence provided it is a shelter program
22 designed to provide temporary living accommodations for the homeless,
23 provides an offender with a personally assigned living space, and the
24 offender is permitted to store belongings in the living space.

25 (6) "In the community" means residing outside of confinement or
26 incarceration for a disqualifying offense.

27 (7) "Institution of higher education" means any public or private
28 institution dedicated to postsecondary education, including any
29 college, university, community college, trade, or professional school.

30 (8) "Kidnapping offense" means:

31 (a) The crimes of kidnapping in the first degree, kidnapping in the
32 second degree, and unlawful imprisonment, as defined in chapter 9A.40
33 RCW, where the victim is a minor and the offender is not the minor's
34 parent;

35 (b) Any offense that is, under chapter 9A.28 RCW, a criminal
36 attempt, criminal solicitation, or criminal conspiracy to commit an
37 offense that is classified as a kidnapping offense under this
38 subsection; and

1 (c) Any federal or out-of-state conviction for: An offense for
2 which the person would be required to register as a kidnapping offender
3 if residing in the state of conviction; or, if not required to register
4 in the state of conviction, an offense that under the laws of this
5 state would be classified as a kidnapping offense under this
6 subsection.

7 (9) "Lacks a fixed residence" means the person does not have a
8 living situation that meets the definition of a fixed residence and
9 includes, but is not limited to, a shelter program designed to provide
10 temporary living accommodations for the homeless, an outdoor sleeping
11 location, or locations where the person does not have permission to
12 stay.

13 (10) "Sex offense" means:

14 (a) Any offense defined as a sex offense by RCW 9.94A.030;

15 (b) Any violation under RCW 9A.44.096 (sexual misconduct with a
16 minor in the second degree);

17 (c) Any violation under RCW 9.68A.090 (communication with a minor
18 for immoral purposes);

19 (d) A violation under RCW 9A.88.070 (promoting prostitution in the
20 first degree) or RCW 9A.88.080 (promoting prostitution in the second
21 degree) if the person has a prior conviction for one of these offenses;

22 (e) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
23 criminal attempt, criminal solicitation, or criminal conspiracy to
24 commit an offense that is classified as a sex offense under RCW
25 9.94A.030 or this subsection;

26 (f) Any out-of-state conviction for an offense for which the person
27 would be required to register as a sex offender while residing in the
28 state of conviction; or, if not required to register in the state of
29 conviction, an offense that under the laws of this state would be
30 classified as a sex offense under this subsection;

31 (g) Any federal conviction classified as a sex offense under 42
32 U.S.C. Sec. 16911 (SORNA);

33 (h) Any military conviction for a sex offense. This includes sex
34 offenses under the uniform code of military justice, as specified by
35 the United States secretary of defense;

36 (i) Any conviction in a foreign country for a sex offense if it was
37 obtained with sufficient safeguards for fundamental fairness and due

1 process for the accused under guidelines or regulations established
2 pursuant to 42 U.S.C. Sec. 16912.

3 (11) "School" means a public or private school regulated under
4 Title 28A RCW or chapter 72.40 RCW.

5 (12) "Student" means a person who is enrolled, on a full-time or
6 part-time basis, in any school or institution of higher education.

7 **Sec. 3.** RCW 9A.44.130 and 2011 c 337 s 3 are each amended to read
8 as follows:

9 (1)(a) Any adult or juvenile residing whether or not the person has
10 a fixed residence, or who is a student, is employed, or carries on a
11 vocation in this state who has been found to have committed or has been
12 convicted of any sex offense or kidnapping offense, or who has been
13 found not guilty by reason of insanity under chapter 10.77 RCW of
14 committing any sex offense or kidnapping offense, shall register with
15 the county sheriff for the county of the person's residence, or if the
16 person is not a resident of Washington, the county of the person's
17 school, or place of employment or vocation, or as otherwise specified
18 in this section. When a person required to register under this section
19 is in custody of the state department of corrections, the state
20 department of social and health services, a local division of youth
21 services, or a local jail or juvenile detention facility as a result of
22 a sex offense or kidnapping offense, the person shall also register at
23 the time of release from custody with an official designated by the
24 agency that has jurisdiction over the person.

25 (b) Any adult or juvenile who is required to register under (a) of
26 this subsection must give notice to the county sheriff of the county
27 with whom the person is registered within three business days:

28 (i) Prior to arriving at a school or institution of higher
29 education to attend classes;

30 (ii) Prior to starting work at an institution of higher education;
31 or

32 (iii) After any termination of enrollment or employment at a school
33 or institution of higher education.

34 (2)(a) A person required to register under this section must
35 provide the following information when registering: (i) Name and any
36 aliases used; (ii) complete and accurate residential address or, if the
37 person lacks a fixed residence, where he or she plans to stay; (iii)

1 date and place of birth; (iv) place of employment; (v) crime for which
2 convicted; (vi) date and place of conviction; (vii) social security
3 number; (viii) photograph; and (ix) fingerprints.

4 (b) A person may be required to update any of the information
5 required in this subsection in conjunction with any address
6 verification conducted by the county sheriff or as part of any notice
7 required by this section.

8 (c) A photograph or copy of an individual's fingerprints may be
9 taken at any time to update an individual's file.

10 (3)(a) Offenders shall register with the county sheriff within the
11 following deadlines:

12 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
13 offense on, before, or after February 28, 1990, and who, on or after
14 July 28, 1991, are in custody, as a result of that offense, of the
15 state department of corrections, the state department of social and
16 health services, a local division of youth services, or a local jail or
17 juvenile detention facility, and (B) kidnapping offenders who on or
18 after July 27, 1997, are in custody of the state department of
19 corrections, the state department of social and health services, a
20 local division of youth services, or a local jail or juvenile detention
21 facility, must register at the time of release from custody with an
22 official designated by the agency that has jurisdiction over the
23 offender. The agency shall within three days forward the registration
24 information to the county sheriff for the county of the offender's
25 anticipated residence. The offender must also register within three
26 business days from the time of release with the county sheriff for the
27 county of the person's residence, or if the person is not a resident of
28 Washington, the county of the person's school, or place of employment
29 or vocation. The agency that has jurisdiction over the offender shall
30 provide notice to the offender of the duty to register.

31 When the agency with jurisdiction intends to release an offender
32 with a duty to register under this section, and the agency has
33 knowledge that the offender is eligible for developmental disability
34 services from the department of social and health services, the agency
35 shall notify the division of developmental disabilities of the release.
36 Notice shall occur not more than thirty days before the offender is to
37 be released. The agency and the division shall assist the offender in

1 meeting the initial registration requirement under this section.
2 Failure to provide such assistance shall not constitute a defense for
3 any violation of this section.

4 When a person required to register under this section is in the
5 custody of the state department of corrections and has been approved
6 for partial confinement as defined in RCW 9.94A.030, the person must
7 register at the time of transfer to partial confinement with the
8 official designated by the agency that has jurisdiction over the
9 offender. The agency shall within three days forward the registration
10 information to the county sheriff for the county in which the offender
11 is in partial confinement. The offender must also register within
12 three business days from the time of the termination of partial
13 confinement or release from confinement with the county sheriff for the
14 county of the person's residence. The agency that has jurisdiction
15 over the offender shall provide notice to the offender of the duty to
16 register.

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

36 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
37 or after July 23, 1995, and kidnapping offenders who, on or after July
38 27, 1997, as a result of that offense are in the custody of the United

1 States bureau of prisons or other federal or military correctional
2 agency for sex offenses committed before, on, or after February 28,
3 1990, or kidnapping offenses committed on, before, or after July 27,
4 1997, must register within three business days from the time of release
5 with the county sheriff for the county of the person's residence, or if
6 the person is not a resident of Washington, the county of the person's
7 school, or place of employment or vocation. Sex offenders who, on July
8 23, 1995, are not in custody but are under the jurisdiction of the
9 United States bureau of prisons, United States courts, United States
10 parole commission, or military parole board for sex offenses committed
11 before, on, or after February 28, 1990, must register within ten days
12 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
13 in custody but are under the jurisdiction of the United States bureau
14 of prisons, United States courts, United States parole commission, or
15 military parole board for kidnapping offenses committed before, on, or
16 after July 27, 1997, must register within ten days of July 27, 1997.
17 A change in supervision status of a sex offender who was required to
18 register under this subsection (3)(a)(iii) as of July 23, 1995, or a
19 kidnapping offender required to register as of July 27, 1997 shall not
20 relieve the offender of the duty to register or to reregister following
21 a change in residence, or if the person is not a resident of
22 Washington, the county of the person's school, or place of employment
23 or vocation.

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

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

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

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

36 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
37 a fixed residence and leaves the county in which he or she is
38 registered and enters and remains within a new county for twenty-four

1 hours is required to register with the county sheriff not more than
2 three business days after entering the county and provide the
3 information required in subsection (2)(a) of this section.

4 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
5 SUPERVISION. Offenders who lack a fixed residence and who are under
6 the supervision of the department shall register in the county of their
7 supervision.

8 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
9 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,
10 who move to another state, or who work, carry on a vocation, or attend
11 school in another state shall register a new address, fingerprints, and
12 photograph with the new state within three business days after
13 establishing residence, or after beginning to work, carry on a
14 vocation, or attend school in the new state. The person must also send
15 written notice within three business days of moving to the new state or
16 to a foreign country to the county sheriff with whom the person last
17 registered in Washington state. The county sheriff shall promptly
18 forward this information to the Washington state patrol.

19 (b) The county sheriff shall not be required to determine whether
20 the person is living within the county.

21 (c) An arrest on charges of failure to register, service of an
22 information, or a complaint for a violation of RCW 9A.44.132, or
23 arraignment on charges for a violation of RCW 9A.44.132, constitutes
24 actual notice of the duty to register. Any person charged with the
25 crime of failure to register under RCW 9A.44.132 who asserts as a
26 defense the lack of notice of the duty to register shall register
27 within three business days following actual notice of the duty through
28 arrest, service, or arraignment. Failure to register as required under
29 this subsection (3)(c) constitutes grounds for filing another charge of
30 failing to register. Registering following arrest, service, or
31 arraignment on charges shall not relieve the offender from criminal
32 liability for failure to register prior to the filing of the original
33 charge.

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

37 (4)(a) If any person required to register pursuant to this section
38 changes his or her residence address within the same county, the person

1 must provide, by certified mail, with return receipt requested or in
2 person, signed written notice of the change of address to the county
3 sheriff within three business days of moving.

4 (b) If any person required to register pursuant to this section
5 moves to a new county, the person must register with that county
6 sheriff within three business days of moving. Within three business
7 days, the person must also provide, by certified mail, with return
8 receipt requested or in person, signed written notice of the change of
9 address in the new county to the county sheriff with whom the person
10 last registered. The county sheriff with whom the person last
11 registered shall promptly forward the information concerning the change
12 of address to the county sheriff for the county of the person's new
13 residence. Upon receipt of notice of change of address to a new state,
14 the county sheriff shall promptly forward the information regarding the
15 change of address to the agency designated by the new state as the
16 state's offender registration agency.

17 (5)(a) Any person required to register under this section who lacks
18 a fixed residence shall provide signed written notice to the sheriff of
19 the county where he or she last registered within three business days
20 after ceasing to have a fixed residence. The notice shall include the
21 information required by subsection (2)(a) of this section, except the
22 photograph and fingerprints. The county sheriff may, for reasonable
23 cause, require the offender to provide a photograph and fingerprints.
24 The sheriff shall forward this information to the sheriff of the county
25 in which the person intends to reside, if the person intends to reside
26 in another county.

27 (b) A person who lacks a fixed residence must report weekly, in
28 person, to the sheriff of the county where he or she is registered.
29 The weekly report shall be on a day specified by the county sheriff's
30 office, and shall occur during normal business hours. The person must
31 keep an accurate accounting of where he or she stays during the week
32 and provide it to the county sheriff upon request. The lack of a fixed
33 residence is a factor that may be considered in determining an
34 offender's risk level and shall make the offender subject to disclosure
35 of information to the public at large pursuant to RCW 4.24.550.

36 (c) If any person required to register pursuant to this section
37 does not have a fixed residence, it is an affirmative defense to the
38 charge of failure to register, that he or she provided written notice

1 to the sheriff of the county where he or she last registered within
2 three business days of ceasing to have a fixed residence and has
3 subsequently complied with the requirements of subsections (3)(a)(vii)
4 or (viii) and (5) of this section. To prevail, the person must prove
5 the defense by a preponderance of the evidence.

6 (6) A sex offender subject to registration requirements under this
7 section who applies to change his or her name under RCW 4.24.130 or any
8 other law shall submit a copy of the application to the county sheriff
9 of the county of the person's residence and to the state patrol not
10 fewer than five days before the entry of an order granting the name
11 change. No sex offender under the requirement to register under this
12 section at the time of application shall be granted an order changing
13 his or her name if the court finds that doing so will interfere with
14 legitimate law enforcement interests, except that no order shall be
15 denied when the name change is requested for religious or legitimate
16 cultural reasons or in recognition of marriage or dissolution of
17 marriage. A sex offender under the requirement to register under this
18 section who receives an order changing his or her name shall submit a
19 copy of the order to the county sheriff of the county of the person's
20 residence and to the state patrol within three business days of the
21 entry of the order.

22 (7) Except as may otherwise be provided by law, nothing in this
23 section shall impose any liability upon a peace officer, including a
24 county sheriff, or law enforcement agency, for failing to release
25 information authorized under this section.

26 **Sec. 4.** RCW 9A.44.132 and 2011 c 337 s 5 are each amended to read
27 as follows:

28 (1) A person commits the crime of failure to register as a sex
29 offender if the person has a duty to register under RCW 9A.44.130 for
30 a felony sex offense and knowingly fails to comply with any of the
31 requirements of RCW 9A.44.130.

32 (a) The failure to register as a sex offender pursuant to this
33 subsection is a class C felony if:

34 (i) It is the person's first conviction for a felony failure to
35 register; or

36 (ii) The person has previously been convicted of a felony failure

1 to register as a sex offender in this state or pursuant to the laws of
2 another state, or pursuant to federal law.

3 (b) If a person has been convicted of a felony failure to register
4 as a sex offender in this state or pursuant to the laws of another
5 state, or pursuant to federal law, on two or more prior occasions, the
6 failure to register under this subsection is a class B felony.

7 (2) A person is guilty of failure to register as a sex offender if
8 the person has a duty to register under RCW 9A.44.130 for a sex offense
9 other than a felony and knowingly fails to comply with any of the
10 requirements of RCW 9A.44.130. The failure to register as a sex
11 offender under this subsection is a gross misdemeanor.

12 (3) A person commits the crime of failure to register as a
13 kidnapping offender if the person has a duty to register under RCW
14 9A.44.130 for a kidnapping offense and knowingly fails to comply with
15 any of the requirements of RCW 9A.44.130.

16 (a) If the person has a duty to register for a felony kidnapping
17 offense, the failure to register as a kidnapping offender is a class C
18 felony.

19 (b) If the person has a duty to register for a kidnapping offense
20 other than a felony, the failure to register as a kidnapping offender
21 is a gross misdemeanor.

22 (4) Unless relieved of the duty to register pursuant to RCW
23 9A.44.141 and 9A.44.142, a violation of this section is an ongoing
24 offense for purposes of the statute of limitations under RCW 9A.04.080.

25 **Sec. 5.** RCW 9A.44.140 and 2010 c 267 s 4 are each amended to read
26 as follows:

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

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

34 (2) For a person convicted in this state of a class B felony who
35 does not have one or more prior convictions for a sex offense or
36 kidnapping offense (~~and whose current offense is not listed in RCW~~
37 ~~9A.44.142(5))~~), the duty to register shall end fifteen years after the

1 last date of release from confinement, if any, (including full-time
2 residential treatment) pursuant to the conviction, or entry of the
3 judgment and sentence, if the person has spent fifteen consecutive
4 years in the community without being convicted of a disqualifying
5 offense during that time period.

6 (3) For a person convicted in this state of a class C felony, a
7 violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation,
8 or conspiracy to commit a class C felony, and the person does not have
9 one or more prior convictions for a sex offense or kidnapping offense
10 (~~and the person's current offense is not listed in RCW 9A.44.142(5)~~),
11 the duty to register shall end ten years after the last date of release
12 from confinement, if any, (including full-time residential treatment)
13 pursuant to the conviction, or entry of the judgment and sentence, if
14 the person has spent ten consecutive years in the community without
15 being convicted of a disqualifying offense during that time period.

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

18 (5) For a person who has been determined to be a sexually violent
19 predator as defined in RCW 71.09.020, the duty to register shall
20 continue for the person's lifetime.

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

23 ~~((+6))~~ (7) Nothing in RCW 9.94A.637 relating to discharge of an
24 offender shall be construed as operating to relieve the offender of his
25 or her duty to register pursuant to RCW 9A.44.130.

26 ~~((+7))~~ (8) For purposes of determining whether a person has been
27 convicted of more than one sex offense, failure to register as a sex
28 offender or kidnapping offender is not a sex or kidnapping offense.

29 ~~((+8))~~ (9) The provisions of this section and RCW 9A.44.141
30 through 9A.44.143 apply equally to a person who has been found not
31 guilty by reason of insanity under chapter 10.77 RCW of a sex offense
32 or kidnapping offense.

33 **Sec. 6.** RCW 9A.44.142 and 2011 c 337 s 7 are each amended to read
34 as follows:

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

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

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

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

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

16 (i) Determined to be a sexually violent predator as defined in RCW
17 71.09.020; or

18 (ii) Convicted as an adult of a sex offense or kidnapping offense
19 that is a class A felony and that was committed with forcible
20 compulsion on or after June 8, 2000(~~or~~

21 ~~(iii) Until July 1, 2012, convicted of one aggravated offense or~~
22 ~~more than one sexually violent offense, as defined in subsection (5) of~~
23 ~~this section, and the offense or offenses were committed on or after~~
24 ~~March 12, 2002. After July 1, 2012, this subsection (2)(a)(iii) shall~~
25 ~~have no further force and effect)).~~

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

33 (3) A petition for relief from registration or exemption from
34 notification under this section shall be made to the court in which the
35 petitioner was convicted of the offense that subjects him or her to the
36 duty to register or, in the case of convictions in other states, a
37 foreign country, or a federal or military court, to the court in the

1 county where the person is registered at the time the petition is
2 sought. The prosecuting attorney of the county shall be named and
3 served as the respondent in any such petition.

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

8 (b) In determining whether the petitioner is sufficiently
9 rehabilitated to warrant removal from the registry, the following
10 factors are provided as guidance to assist the court in making its
11 determination:

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

14 (ii) Any subsequent criminal history;

15 (iii) The petitioner's compliance with supervision requirements;

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

17 (v) Any input from community corrections officers, law enforcement,
18 or treatment providers;

19 (vi) Participation in sex offender treatment;

20 (vii) Participation in other treatment and rehabilitative programs;

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

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

23 (x) Any risk assessments or evaluations prepared by a qualified
24 professional;

25 (xi) Any updated polygraph examination;

26 (xii) Any input of the victim;

27 (xiii) Any other factors the court may consider relevant.

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

32 ~~(i) Until July 1, 2012, may not be relieved of the duty to~~
33 ~~register;~~

34 ~~(ii) After July 1, 2012, may petition the court to be relieved of~~
35 ~~the duty to register as provided in this section;~~

36 ~~(iii) This provision shall apply to convictions for crimes~~
37 ~~committed on or after July 22, 2001.~~

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

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

6 ~~(A) Any sex offense involving sexual intercourse or sexual contact~~
7 ~~where the victim is under twelve years of age;~~

8 ~~(B) RCW 9A.44.040 (rape in the first degree), RCW 9A.44.073 (rape~~
9 ~~of a child in the first degree), or RCW 9A.44.083 (child molestation in~~
10 ~~the first degree);~~

11 ~~(C) Any of the following offenses when committed by forcible~~
12 ~~compulsion or by the offender administering, by threat or force or~~
13 ~~without the knowledge or permission of that person, a drug, intoxicant,~~
14 ~~or other similar substance that substantially impairs the ability of~~
15 ~~that person to appraise or control conduct: RCW 9A.44.050 (rape in the~~
16 ~~second degree), RCW 9A.44.100 (indecent liberties), RCW 9A.44.160~~
17 ~~(custodial sexual misconduct in the first degree), RCW 9A.64.020~~
18 ~~(incest), or RCW 9.68A.040 (sexual exploitation of a minor);~~

19 ~~(D) Any of the following offenses when committed by forcible~~
20 ~~compulsion or by the offender administering, by threat or force or~~
21 ~~without the knowledge or permission of that person, a drug, intoxicant,~~
22 ~~or other similar substance that substantially impairs the ability of~~
23 ~~that person to appraise or control conduct, if the victim is twelve~~
24 ~~years of age or over but under sixteen years of age and the offender is~~
25 ~~eighteen years of age or over and is more than forty-eight months older~~
26 ~~than the victim: RCW 9A.44.076 (rape of a child in the second degree),~~
27 ~~RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086~~
28 ~~(child molestation in the second degree), or RCW 9A.44.089 (child~~
29 ~~molestation in the third degree);~~

30 ~~(E) A felony with a finding of sexual motivation under RCW~~
31 ~~9.94A.835 where the victim is under twelve years of age or that is~~
32 ~~committed by forcible compulsion or by the offender administering, by~~
33 ~~threat or force or without the knowledge or permission of that person,~~
34 ~~a drug, intoxicant, or other similar substance that substantially~~
35 ~~impairs the ability of that person to appraise or control conduct;~~

36 ~~(F) An offense that is, under chapter 9A.28 RCW, an attempt or~~
37 ~~solicitation to commit such an offense; or~~

1 ~~(G) An offense defined by federal law or the laws of another state~~
2 ~~that is equivalent to the offenses listed in (b)(i)(A) through (F) of~~
3 ~~this subsection.~~

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

7 ~~(A) An aggravated offense;~~

8 ~~(B) An offense that is not an aggravated offense but meets the~~
9 ~~definition of 18 U.S.C. Sec. 2242, which is limited to RCW 9A.44.050(1)~~
10 ~~(b) through (f) (rape in the second degree) and RCW 9A.44.100(1) (b)~~
11 ~~through (f) (indecent liberties);~~

12 ~~(C) A felony with a finding of sexual motivation under RCW~~
13 ~~9.94A.835 where the victim is incapable of appraising the nature of the~~
14 ~~conduct or physically incapable of declining participation in, or~~
15 ~~communicating unwillingness to engage in, the conduct;~~

16 ~~(D) An offense that is, under chapter 9A.28 RCW, an attempt or~~
17 ~~solicitation to commit such an offense; or~~

18 ~~(E) An offense defined by federal law or the laws of another state~~
19 ~~that is equivalent to the offenses listed in (b)(ii)(A) through (D) of~~
20 ~~this subsection.~~

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

25 ~~(A) RCW 9A.44.060 (rape in the third degree), RCW 9A.44.076 (rape~~
26 ~~of a child in the second degree), RCW 9A.44.079 (rape of a child in the~~
27 ~~third degree), RCW 9A.44.086 (child molestation in the second degree),~~
28 ~~RCW 9A.44.089 (child molestation in the third degree), RCW 9A.44.093~~
29 ~~(sexual misconduct with a minor in the first degree), RCW 9A.44.096~~
30 ~~(sexual misconduct with a minor in the second degree), RCW 9A.44.160~~
31 ~~(custodial sexual misconduct in the first degree), RCW 9A.64.020~~
32 ~~(incest), RCW 9.68A.040 (sexual exploitation of a minor), RCW 9.68A.090~~
33 ~~(communication with a minor for immoral purposes), or RCW 9.68A.100~~
34 ~~(commercial sexual abuse of a minor);~~

35 ~~(B) RCW 9A.40.020 (kidnapping in the first degree), RCW 9A.40.030~~
36 ~~(kidnapping in the second degree), or RCW 9A.40.040 (unlawful~~
37 ~~imprisonment), where the victim is a minor and the offender is not the~~
38 ~~minor's parent;~~

1 ~~(C) A felony with a finding of sexual motivation under RCW~~
2 ~~9.94A.835 where the victim is a minor;~~

3 ~~(D) An offense that is, under chapter 9A.28 RCW, an attempt or~~
4 ~~solicitation to commit such an offense; or~~

5 ~~(E) An offense defined by federal law or the laws of another state~~
6 ~~that is equivalent to the offenses listed in (b)(iii)(A) through (D) of~~
7 ~~this subsection)) If a person is relieved of the duty to register~~
8 ~~pursuant to this section, the relief of registration does not~~
9 ~~constitute a certificate of rehabilitation, or the equivalent of a~~
10 ~~certificate of rehabilitation, for the purposes of restoration of~~
11 ~~firearm possession under RCW 9.41.040.~~

12 **Sec. 7.** RCW 9A.44.143 and 2011 c 338 s 1 are each amended to read
13 as follows:

14 (1) An offender having a duty to register under RCW 9A.44.130 for
15 a sex offense or kidnapping offense committed when the offender was a
16 juvenile, and who has not been determined to be a sexually violent
17 predator as defined in RCW 71.09.020 may petition the superior court to
18 be relieved of that duty as provided in this section.

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

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

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

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

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

36 (a) At least twenty-four months have passed since the petitioner's
37 adjudication and completion of any term of confinement for the offense

1 giving rise to the duty to register and the petitioner has not been
2 adjudicated or convicted of any additional sex offenses or kidnapping
3 offenses within the twenty-four months before the petition;

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

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

10 (4) A petition for relief from registration under this section
11 shall be made to the court in which the petitioner was convicted of the
12 offense that subjects him or her to the duty to register or, in the
13 case of convictions in other states, a foreign country, or a federal or
14 military court, to the court in ((Thurston)) the county in which the
15 juvenile is registered at the time a petition is sought. The
16 prosecuting attorney of the county shall be named and served as the
17 respondent in any such petition.

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

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

26 (b) Any subsequent criminal history;

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

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

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

31 (f) Participation in sex offender treatment;

32 (g) Participation in other treatment and rehabilitative programs;

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

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

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

37 (k) Any updated polygraph examination;

38 (l) Any input of the victim;

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

2 (6) If a person is relieved of the duty to register pursuant to
3 this section, the relief of registration does not constitute a
4 certificate of rehabilitation, or the equivalent of a certificate of
5 rehabilitation, for the purposes of restoration of firearm possession
6 under RCW 9.41.040.

7 (7) A juvenile prosecuted and convicted of a sex offense or
8 kidnapping offense as an adult pursuant to RCW 13.40.110 or 13.04.030
9 may not petition to the superior court under this section and must
10 follow the provisions of RCW 9A.44.142.

11 (8) An adult prosecuted for an offense committed as juvenile once
12 the juvenile court has lost jurisdiction due to the passage of time
13 between the date of the offense and the date of filing of charges may
14 petition the superior court under the provisions of this section.

15 **Sec. 8.** RCW 43.43.754 and 2008 c 97 s 2 are each amended to read
16 as follows:

17 (1) A biological sample must be collected for purposes of DNA
18 identification analysis from:

19 (a) Every adult or juvenile individual convicted of a felony, or
20 any of the following crimes (or equivalent juvenile offenses):

21 Assault in the fourth degree with sexual motivation (RCW 9A.36.041,
22 9.94A.835)

23 Communication with a minor for immoral purposes (RCW 9.68A.090)

24 Custodial sexual misconduct in the second degree (RCW 9A.44.170)

25 Failure to register (RCW 9A.44.130 prior to June 10, 2010, and RCW
26 9A.44.132)

27 Harassment (RCW 9A.46.020)

28 Patronizing a prostitute (RCW 9A.88.110)

29 Sexual misconduct with a minor in the second degree (RCW 9A.44.096)

30 Stalking (RCW 9A.46.110)

31 Violation of a sexual assault protection order granted under
32 chapter 7.90 RCW; and

33 (b) Every adult or juvenile individual who is required to register
34 under RCW 9A.44.130.

35 (2) If the Washington state patrol crime laboratory already has a
36 DNA sample from an individual for a qualifying offense, a subsequent
37 submission is not required to be submitted.

1 (3) Biological samples shall be collected in the following manner:

2 (a) For persons convicted of any offense listed in subsection
3 (1)(a) of this section or adjudicated guilty of an equivalent juvenile
4 offense who do not serve a term of confinement in a department of
5 corrections facility, and do serve a term of confinement in a city or
6 county jail facility, the city or county shall be responsible for
7 obtaining the biological samples.

8 (b) The local police department or sheriff's office shall be
9 responsible for obtaining the biological samples for:

10 (i) Persons convicted of any offense listed in subsection (1)(a) of
11 this section or adjudicated guilty of an equivalent juvenile offense
12 who do not serve a term of confinement in a department of corrections
13 facility, and do not serve a term of confinement in a city or county
14 jail facility; and

15 (ii) Persons who are required to register under RCW (~~9A.44.030~~)
16 9A.44.130.

17 (c) For persons convicted of any offense listed in subsection
18 (1)(a) of this section or adjudicated guilty of an equivalent juvenile
19 offense, who are serving or who are to serve a term of confinement in
20 a department of corrections facility or a department of social and
21 health services facility, the facility holding the person shall be
22 responsible for obtaining the biological samples. For those persons
23 incarcerated before June 12, 2008, who have not yet had a biological
24 sample collected, priority shall be given to those persons who will be
25 released the soonest.

26 (4) Any biological sample taken pursuant to RCW 43.43.752 through
27 43.43.758 may be retained by the forensic laboratory services bureau,
28 and shall be used solely for the purpose of providing DNA or other
29 tests for identification analysis and prosecution of a criminal offense
30 or for the identification of human remains or missing persons. Nothing
31 in this section prohibits the submission of results derived from the
32 biological samples to the federal bureau of investigation combined DNA
33 index system.

34 (5) The forensic laboratory services bureau of the Washington state
35 patrol is responsible for testing performed on all biological samples
36 that are collected under subsection (1) of this section, to the extent
37 allowed by funding available for this purpose. The director shall give
38 priority to testing on samples collected from those adults or juveniles

1 convicted of a felony or adjudicated guilty of an equivalent juvenile
2 offense that is defined as a sex offense or a violent offense in RCW
3 9.94A.030. Known duplicate samples may be excluded from testing unless
4 testing is deemed necessary or advisable by the director.

5 (6) This section applies to:

6 (a) All adults and juveniles to whom this section applied prior to
7 June 12, 2008;

8 (b) All adults and juveniles to whom this section did not apply
9 prior to June 12, 2008, who:

10 (i) Are convicted on or after June 12, 2008, of an offense listed
11 in subsection (1)(a) of this section; or

12 (ii) Were convicted prior to June 12, 2008, of an offense listed in
13 subsection (1)(a) of this section and are still incarcerated on or
14 after June 12, 2008; and

15 (c) All adults and juveniles who are required to register under RCW
16 9A.44.130 on or after June 12, 2008, whether convicted before, on, or
17 after June 12, 2008.

18 (7) This section creates no rights in a third person. No cause of
19 action may be brought based upon the noncollection or nonanalysis or
20 the delayed collection or analysis of a biological sample authorized to
21 be taken under RCW 43.43.752 through 43.43.758.

22 (8) The detention, arrest, or conviction of a person based upon a
23 database match or database information is not invalidated if it is
24 determined that the sample was obtained or placed in the database by
25 mistake, or if the conviction or juvenile adjudication that resulted in
26 the collection of the biological sample was subsequently vacated or
27 otherwise altered in any future proceeding including but not limited to
28 posttrial or postfact-finding motions, appeals, or collateral attacks.

29 **Sec. 9.** RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are
30 each reenacted and amended to read as follows:

31
32 **TABLE 2**
33 **CRIMES INCLUDED WITHIN EACH**
34 **SERIOUSNESS LEVEL**
35 **Aggravated Murder 1 (RCW 10.95.020)**

1 Homicide by abuse (RCW 9A.32.055)
2 Malicious explosion 1 (RCW 70.74.280(1))
3 Murder 1 (RCW 9A.32.030)
4 Murder 2 (RCW 9A.32.050)
5 Trafficking 1 (RCW 9A.40.100(1))
6 Malicious explosion 2 (RCW 70.74.280(2))
7 Malicious placement of an explosive 1 (RCW
8 70.74.270(1))
9 Assault 1 (RCW 9A.36.011)
10 Assault of a Child 1 (RCW 9A.36.120)
11 Malicious placement of an imitation device 1
12 (RCW 70.74.272(1)(a))
13 Promoting Commercial Sexual Abuse of a
14 Minor (RCW 9.68A.101)
15 Rape 1 (RCW 9A.44.040)
16 Rape of a Child 1 (RCW 9A.44.073)
17 Trafficking 2 (RCW 9A.40.100(2))
18 Manslaughter 1 (RCW 9A.32.060)
19 Rape 2 (RCW 9A.44.050)
20 Rape of a Child 2 (RCW 9A.44.076)
21 Vehicular Homicide, by being under the
22 influence of intoxicating liquor or any
23 drug (RCW 46.61.520)
24 Child Molestation 1 (RCW 9A.44.083)
25 Criminal Mistreatment 1 (RCW 9A.42.020)
26 Indecent Liberties (with forcible compulsion)
27 (RCW 9A.44.100(1)(a))
28 Kidnapping 1 (RCW 9A.40.020)
29 Leading Organized Crime (RCW
30 9A.82.060(1)(a))
31 Malicious explosion 3 (RCW 70.74.280(3))
32 Sexually Violent Predator Escape (RCW
33 9A.76.115)
34 Abandonment of Dependent Person 1 (RCW
35 9A.42.060)
36 Assault of a Child 2 (RCW 9A.36.130)

1 Explosive devices prohibited (RCW
2 70.74.180)
3 Hit and Run--Death (RCW 46.52.020(4)(a))
4 Homicide by Watercraft, by being under the
5 influence of intoxicating liquor or any
6 drug (RCW 79A.60.050)
7 Inciting Criminal Profiteering (RCW
8 9A.82.060(1)(b))
9 Malicious placement of an explosive 2 (RCW
10 70.74.270(2))
11 Robbery 1 (RCW 9A.56.200)
12 Sexual Exploitation (RCW 9.68A.040)
13 Arson 1 (RCW 9A.48.020)
14 Commercial Sexual Abuse of a Minor (RCW
15 9.68A.100)
16 Homicide by Watercraft, by the operation of
17 any vessel in a reckless manner (RCW
18 79A.60.050)
19 Manslaughter 2 (RCW 9A.32.070)
20 Promoting Prostitution 1 (RCW 9A.88.070)
21 Theft of Ammonia (RCW 69.55.010)
22 Vehicular Homicide, by the operation of any
23 vehicle in a reckless manner (RCW
24 46.61.520)
25 Burglary 1 (RCW 9A.52.020)
26 Child Molestation 2 (RCW 9A.44.086)
27 Civil Disorder Training (RCW 9A.48.120)
28 Dealing in depictions of minor engaged in
29 sexually explicit conduct 1 (RCW
30 9.68A.050(1))
31 Drive-by Shooting (RCW 9A.36.045)
32 Homicide by Watercraft, by disregard for the
33 safety of others (RCW 79A.60.050)
34 Indecent Liberties (without forcible
35 compulsion) (RCW 9A.44.100(1) (b) and
36 (c))
37 Introducing Contraband 1 (RCW 9A.76.140)

1 Malicious placement of an explosive 3 (RCW
2 70.74.270(3))
3 Negligently Causing Death By Use of a
4 Signal Preemption Device (RCW
5 46.37.675)
6 Sending, bringing into state depictions of
7 minor engaged in sexually explicit
8 conduct 1 (RCW 9.68A.060(1))
9 Unlawful Possession of a Firearm in the first
10 degree (RCW 9.41.040(1))
11 Use of a Machine Gun in Commission of a
12 Felony (RCW 9.41.225)
13 Vehicular Homicide, by disregard for the
14 safety of others (RCW 46.61.520)
15 Bail Jumping with Murder 1 (RCW
16 9A.76.170(3)(a))
17 Bribery (RCW 9A.68.010)
18 Incest 1 (RCW 9A.64.020(1))
19 Intimidating a Judge (RCW 9A.72.160)
20 Intimidating a Juror/Witness (RCW
21 9A.72.110, 9A.72.130)
22 Malicious placement of an imitation device 2
23 (RCW 70.74.272(1)(b))
24 Possession of Depictions of a Minor Engaged
25 in Sexually Explicit Conduct 1 (RCW
26 9.68A.070(1))
27 Rape of a Child 3 (RCW 9A.44.079)
28 Theft of a Firearm (RCW 9A.56.300)
29 Unlawful Storage of Ammonia (RCW
30 69.55.020)
31 Abandonment of Dependent Person 2 (RCW
32 9A.42.070)
33 Advancing money or property for extortionate
34 extension of credit (RCW 9A.82.030)
35 Bail Jumping with class A Felony (RCW
36 9A.76.170(3)(b))
37 Child Molestation 3 (RCW 9A.44.089)

1 Criminal Mistreatment 2 (RCW 9A.42.030)
2 Custodial Sexual Misconduct 1 (RCW
3 9A.44.160)
4 Dealing in Depictions of Minor Engaged in
5 Sexually Explicit Conduct 2 (RCW
6 9.68A.050(2))
7 Domestic Violence Court Order Violation
8 (RCW 10.99.040, 10.99.050, 26.09.300,
9 26.10.220, 26.26.138, 26.50.110,
10 26.52.070, or 74.34.145)
11 Driving While Under the Influence (RCW
12 46.61.502(6))
13 Extortion 1 (RCW 9A.56.120)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Extortionate Means to Collect Extensions of
17 Credit (RCW 9A.82.040)
18 Incest 2 (RCW 9A.64.020(2))
19 Kidnapping 2 (RCW 9A.40.030)
20 Perjury 1 (RCW 9A.72.020)
21 Persistent prison misbehavior (RCW
22 9.94.070)
23 Physical Control of a Vehicle While Under
24 the Influence (RCW 46.61.504(6))
25 Possession of a Stolen Firearm (RCW
26 9A.56.310)
27 Rape 3 (RCW 9A.44.060)
28 Rendering Criminal Assistance 1 (RCW
29 9A.76.070)
30 Sending, Bringing into State Depictions of
31 Minor Engaged in Sexually Explicit
32 Conduct 2 (RCW 9.68A.060(2))
33 Sexual Misconduct with a Minor 1 (RCW
34 9A.44.093)
35 Sexually Violating Human Remains (RCW
36 9A.44.105)
37 Stalking (RCW 9A.46.110)

1 Taking Motor Vehicle Without Permission 1
2 (RCW 9A.56.070)
3 Arson 2 (RCW 9A.48.030)
4 Assault 2 (RCW 9A.36.021)
5 Assault 3 (of a Peace Officer with a
6 Projectile Stun Gun) (RCW
7 9A.36.031(1)(h))
8 Assault by Watercraft (RCW 79A.60.060)
9 Bribing a Witness/Bribe Received by
10 Witness (RCW 9A.72.090, 9A.72.100)
11 Cheating 1 (RCW 9.46.1961)
12 Commercial Bribery (RCW 9A.68.060)
13 Counterfeiting (RCW 9.16.035(4))
14 Endangerment with a Controlled Substance
15 (RCW 9A.42.100)
16 Escape 1 (RCW 9A.76.110)
17 Hit and Run--Injury (RCW 46.52.020(4)(b))
18 Hit and Run with Vessel--Injury Accident
19 (RCW 79A.60.200(3))
20 Identity Theft 1 (RCW 9.35.020(2))
21 Indecent Exposure to Person Under Age
22 Fourteen (subsequent sex offense)
23 (RCW 9A.88.010)
24 Influencing Outcome of Sporting Event
25 (RCW 9A.82.070)
26 Malicious Harassment (RCW 9A.36.080)
27 Possession of Depictions of a Minor Engaged
28 in Sexually Explicit Conduct 2 (RCW
29 9.68A.070(2))
30 Residential Burglary (RCW 9A.52.025)
31 Robbery 2 (RCW 9A.56.210)
32 Theft of Livestock 1 (RCW 9A.56.080)
33 Threats to Bomb (RCW 9.61.160)
34 Trafficking in Stolen Property 1 (RCW
35 9A.82.050)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(b))
4 Unlawful transaction of health coverage as a
5 health care service contractor (RCW
6 48.44.016(3))
7 Unlawful transaction of health coverage as a
8 health maintenance organization (RCW
9 48.46.033(3))
10 Unlawful transaction of insurance business
11 (RCW 48.15.023(3))
12 Unlicensed practice as an insurance
13 professional (RCW 48.17.063(2))
14 Use of Proceeds of Criminal Profiteering
15 (RCW 9A.82.080 (1) and (2))
16 Vehicular Assault, by being under the
17 influence of intoxicating liquor or any
18 drug, or by the operation or driving of a
19 vehicle in a reckless manner (RCW
20 46.61.522)
21 Viewing of Depictions of a Minor Engaged in
22 Sexually Explicit Conduct 1 (RCW
23 9.68A.075(1))
24 Willful Failure to Return from Furlough
25 (RCW 72.66.060)
26 Animal Cruelty 1 (Sexual Conduct or Contact)
27 (RCW 16.52.205(3))
28 Assault 3 (Except Assault 3 of a Peace Officer
29 With a Projectile Stun Gun) (RCW
30 9A.36.031 except subsection (1)(h))
31 Assault of a Child 3 (RCW 9A.36.140)
32 Bail Jumping with class B or C Felony (RCW
33 9A.76.170(3)(c))
34 Burglary 2 (RCW 9A.52.030)
35 Communication with a Minor for Immoral
36 Purposes (RCW 9.68A.090)

1 Criminal Gang Intimidation (RCW
2 9A.46.120)
3 Custodial Assault (RCW 9A.36.100)
4 Cyberstalking (subsequent conviction or threat
5 of death) (RCW 9.61.260(3))
6 Escape 2 (RCW 9A.76.120)
7 Extortion 2 (RCW 9A.56.130)
8 Harassment (RCW 9A.46.020)
9 Intimidating a Public Servant (RCW
10 9A.76.180)
11 Introducing Contraband 2 (RCW 9A.76.150)
12 Malicious Injury to Railroad Property (RCW
13 81.60.070)
14 Mortgage Fraud (RCW 19.144.080)
15 Negligently Causing Substantial Bodily Harm
16 By Use of a Signal Preemption Device
17 (RCW 46.37.674)
18 Organized Retail Theft 1 (RCW
19 9A.56.350(2))
20 Perjury 2 (RCW 9A.72.030)
21 Possession of Incendiary Device (RCW
22 9.40.120)
23 Possession of Machine Gun or Short-Barreled
24 Shotgun or Rifle (RCW 9.41.190)
25 Promoting Prostitution 2 (RCW 9A.88.080)
26 Retail Theft with Extenuating Circumstances
27 1 (RCW 9A.56.360(2))
28 Securities Act violation (RCW 21.20.400)
29 Tampering with a Witness (RCW 9A.72.120)
30 Telephone Harassment (subsequent conviction
31 or threat of death) (RCW 9.61.230(2))
32 Theft of Livestock 2 (RCW 9A.56.083)
33 Theft with the Intent to Resell 1 (RCW
34 9A.56.340(2))
35 Trafficking in Stolen Property 2 (RCW
36 9A.82.055)

1 Unlawful Hunting of Big Game 1 (RCW
2 77.15.410(3)(b))
3 Unlawful Imprisonment (RCW 9A.40.040)
4 Unlawful possession of firearm in the second
5 degree (RCW 9.41.040(2))
6 Unlawful Taking of Endangered Fish or
7 Wildlife 1 (RCW 77.15.120(3)(b))
8 Unlawful Trafficking in Fish, Shellfish, or
9 Wildlife 1 (RCW 77.15.260(3)(b))
10 Unlawful Use of a Nondesignated Vessel
11 (RCW 77.15.530(4))
12 Vehicular Assault, by the operation or driving
13 of a vehicle with disregard for the safety
14 of others (RCW 46.61.522)
15 Willful Failure to Return from Work Release
16 (RCW 72.65.070)
17 Commercial Fishing Without a License 1
18 (RCW 77.15.500(3)(b))
19 Computer Trespass 1 (RCW 9A.52.110)
20 Counterfeiting (RCW 9.16.035(3))
21 Engaging in Fish Dealing Activity Unlicensed
22 1 (RCW 77.15.620(3))
23 Escape from Community Custody (RCW
24 72.09.310)
25 Failure to Register as a Sex Offender (second
26 or subsequent offense) (RCW 9A.44.130
27 prior to June 10, 2010, and RCW
28 9A.44.132)
29 Health Care False Claims (RCW 48.80.030)
30 Identity Theft 2 (RCW 9.35.020(3))
31 Improperly Obtaining Financial Information
32 (RCW 9.35.010)
33 Malicious Mischief 1 (RCW 9A.48.070)
34 Organized Retail Theft 2 (RCW
35 9A.56.350(3))
36 Possession of Stolen Property 1 (RCW
37 9A.56.150)

1 Possession of a Stolen Vehicle (RCW
2 9A.56.068)
3 Retail Theft with Extenuating Circumstances
4 2 (RCW 9A.56.360(3))
5 Theft 1 (RCW 9A.56.030)
6 Theft of a Motor Vehicle (RCW 9A.56.065)
7 Theft of Rental, Leased, or Lease-purchased
8 Property (valued at one thousand five
9 hundred dollars or more) (RCW
10 9A.56.096(5)(a))
11 Theft with the Intent to Resell 2 (RCW
12 9A.56.340(3))
13 Trafficking in Insurance Claims (RCW
14 48.30A.015)
15 Unlawful factoring of a credit card or payment
16 card transaction (RCW 9A.56.290(4)(a))
17 Unlawful Participation of Non-Indians in
18 Indian Fishery (RCW 77.15.570(2))
19 Unlawful Practice of Law (RCW 2.48.180)
20 Unlicensed Practice of a Profession or
21 Business (RCW 18.130.190(7))
22 Unlawful Purchase or Use of a License (RCW
23 77.15.650(3)(b))
24 Unlawful Trafficking in Fish, Shellfish, or
25 Wildlife 2 (RCW 77.15.260(3)(a))
26 Voyeurism (RCW 9A.44.115)
27 Attempting to Elude a Pursuing Police
28 Vehicle (RCW 46.61.024)
29 False Verification for Welfare (RCW
30 74.08.055)
31 Forgery (RCW 9A.60.020)
32 Fraudulent Creation or Revocation of a
33 Mental Health Advance Directive (RCW
34 9A.60.060)
35 Malicious Mischief 2 (RCW 9A.48.080)
36 Mineral Trespass (RCW 78.44.330)

1 Possession of Stolen Property 2 (RCW
2 9A.56.160)
3 Reckless Burning 1 (RCW 9A.48.040)
4 Spotlighting Big Game 1 (RCW
5 77.15.450(3)(b))
6 Suspension of Department Privileges 1 (RCW
7 77.15.670(3)(b))
8 Taking Motor Vehicle Without Permission 2
9 (RCW 9A.56.075)
10 Theft 2 (RCW 9A.56.040)
11 Theft of Rental, Leased, or Lease-purchased
12 Property (valued at two hundred fifty
13 dollars or more but less than one thousand
14 five hundred dollars) (RCW
15 9A.56.096(5)(b))
16 Transaction of insurance business beyond the
17 scope of licensure (RCW 48.17.063)
18 Unlawful Fish and Shellfish Catch Accounting
19 (RCW 77.15.630(3)(b))
20 Unlawful Issuance of Checks or Drafts (RCW
21 9A.56.060)
22 Unlawful Possession of Fictitious
23 Identification (RCW 9A.56.320)
24 Unlawful Possession of Instruments of
25 Financial Fraud (RCW 9A.56.320)
26 Unlawful Possession of Payment Instruments
27 (RCW 9A.56.320)
28 Unlawful Possession of a Personal
29 Identification Device (RCW 9A.56.320)
30 Unlawful Production of Payment Instruments
31 (RCW 9A.56.320)
32 Unlawful Release of Deleterious Exotic
33 Wildlife (RCW 77.15.250(2)(b))
34 Unlawful Trafficking in Food Stamps (RCW
35 9.91.142)
36 Unlawful Use of Food Stamps (RCW
37 9.91.144)

1 Unlawful Use of Net to Take Fish 1 (RCW
2 77.15.580(3)(b))
3 Unlawful Use of Prohibited Aquatic Animal
4 Species (RCW 77.15.253(3))
5 Vehicle Prowl 1 (RCW 9A.52.095)
6 Violating Commercial Fishing Area or Time 1
7 (RCW 77.15.550(3)(b))

8 **Sec. 10.** RCW 9.94A.030 and 2012 c 143 s 1 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 (1) "Board" means the indeterminate sentence review board created
13 under chapter 9.95 RCW.

14 (2) "Collect," or any derivative thereof, "collect and remit," or
15 "collect and deliver," when used with reference to the department,
16 means that the department, either directly or through a collection
17 agreement authorized by RCW 9.94A.760, is responsible for monitoring
18 and enforcing the offender's sentence with regard to the legal
19 financial obligation, receiving payment thereof from the offender, and,
20 consistent with current law, delivering daily the entire payment to the
21 superior court clerk without depositing it in a departmental account.

22 (3) "Commission" means the sentencing guidelines commission.

23 (4) "Community corrections officer" means an employee of the
24 department who is responsible for carrying out specific duties in
25 supervision of sentenced offenders and monitoring of sentence
26 conditions.

27 (5) "Community custody" means that portion of an offender's
28 sentence of confinement in lieu of earned release time or imposed as
29 part of a sentence under this chapter and served in the community
30 subject to controls placed on the offender's movement and activities by
31 the department.

32 (6) "Community protection zone" means the area within eight hundred
33 eighty feet of the facilities and grounds of a public or private
34 school.

35 (7) "Community restitution" means compulsory service, without
36 compensation, performed for the benefit of the community by the
37 offender.

1 (8) "Confinement" means total or partial confinement.

2 (9) "Conviction" means an adjudication of guilt pursuant to Title
3 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
4 acceptance of a plea of guilty.

5 (10) "Crime-related prohibition" means an order of a court
6 prohibiting conduct that directly relates to the circumstances of the
7 crime for which the offender has been convicted, and shall not be
8 construed to mean orders directing an offender affirmatively to
9 participate in rehabilitative programs or to otherwise perform
10 affirmative conduct. However, affirmative acts necessary to monitor
11 compliance with the order of a court may be required by the department.

12 (11) "Criminal history" means the list of a defendant's prior
13 convictions and juvenile adjudications, whether in this state, in
14 federal court, or elsewhere.

15 (a) The history shall include, where known, for each conviction (i)
16 whether the defendant has been placed on probation and the length and
17 terms thereof; and (ii) whether the defendant has been incarcerated and
18 the length of incarceration.

19 (b) A conviction may be removed from a defendant's criminal history
20 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
21 a similar out-of-state statute, or if the conviction has been vacated
22 pursuant to a governor's pardon.

23 (c) The determination of a defendant's criminal history is distinct
24 from the determination of an offender score. A prior conviction that
25 was not included in an offender score calculated pursuant to a former
26 version of the sentencing reform act remains part of the defendant's
27 criminal history.

28 (12) "Criminal street gang" means any ongoing organization,
29 association, or group of three or more persons, whether formal or
30 informal, having a common name or common identifying sign or symbol,
31 having as one of its primary activities the commission of criminal
32 acts, and whose members or associates individually or collectively
33 engage in or have engaged in a pattern of criminal street gang
34 activity. This definition does not apply to employees engaged in
35 concerted activities for their mutual aid and protection, or to the
36 activities of labor and bona fide nonprofit organizations or their
37 members or agents.

1 (13) "Criminal street gang associate or member" means any person
2 who actively participates in any criminal street gang and who
3 intentionally promotes, furthers, or assists in any criminal act by the
4 criminal street gang.

5 (14) "Criminal street gang-related offense" means any felony or
6 misdemeanor offense, whether in this state or elsewhere, that is
7 committed for the benefit of, at the direction of, or in association
8 with any criminal street gang, or is committed with the intent to
9 promote, further, or assist in any criminal conduct by the gang, or is
10 committed for one or more of the following reasons:

11 (a) To gain admission, prestige, or promotion within the gang;

12 (b) To increase or maintain the gang's size, membership, prestige,
13 dominance, or control in any geographical area;

14 (c) To exact revenge or retribution for the gang or any member of
15 the gang;

16 (d) To obstruct justice, or intimidate or eliminate any witness
17 against the gang or any member of the gang;

18 (e) To directly or indirectly cause any benefit, aggrandizement,
19 gain, profit, or other advantage for the gang, its reputation,
20 influence, or membership; or

21 (f) To provide the gang with any advantage in, or any control or
22 dominance over any criminal market sector, including, but not limited
23 to, manufacturing, delivering, or selling any controlled substance
24 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
25 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
26 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
27 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
28 9.68 RCW).

29 (15) "Day fine" means a fine imposed by the sentencing court that
30 equals the difference between the offender's net daily income and the
31 reasonable obligations that the offender has for the support of the
32 offender and any dependents.

33 (16) "Day reporting" means a program of enhanced supervision
34 designed to monitor the offender's daily activities and compliance with
35 sentence conditions, and in which the offender is required to report
36 daily to a specific location designated by the department or the
37 sentencing court.

38 (17) "Department" means the department of corrections.

1 (18) "Determinate sentence" means a sentence that states with
2 exactitude the number of actual years, months, or days of total
3 confinement, of partial confinement, of community custody, the number
4 of actual hours or days of community restitution work, or dollars or
5 terms of a legal financial obligation. The fact that an offender
6 through earned release can reduce the actual period of confinement
7 shall not affect the classification of the sentence as a determinate
8 sentence.

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

21 (20) "Domestic violence" has the same meaning as defined in RCW
22 10.99.020 and 26.50.010.

23 (21) "Drug offender sentencing alternative" is a sentencing option
24 available to persons convicted of a felony offense other than a violent
25 offense or a sex offense and who are eligible for the option under RCW
26 9.94A.660.

27 (22) "Drug offense" means:

28 (a) Any felony violation of chapter 69.50 RCW except possession of
29 a controlled substance (RCW 69.50.4013) or forged prescription for a
30 controlled substance (RCW 69.50.403);

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

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

37 (23) "Earned release" means earned release from confinement as
38 provided in RCW 9.94A.728.

1 (24) "Escape" means:

2 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
3 first degree (RCW 9A.76.110), escape in the second degree (RCW
4 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
5 willful failure to return from work release (RCW 72.65.070), or willful
6 failure to be available for supervision by the department while in
7 community custody (RCW 72.09.310); or

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

11 (25) "Felony traffic offense" means:

12 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
13 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
14 run injury-accident (RCW 46.52.020(4)), felony driving while under the
15 influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or
16 felony physical control of a vehicle while under the influence of
17 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

21 (26) "Fine" means a specific sum of money ordered by the sentencing
22 court to be paid by the offender to the court over a specific period of
23 time.

24 (27) "First-time offender" means any person who has no prior
25 convictions for a felony and is eligible for the first-time offender
26 waiver under RCW 9.94A.650.

27 (28) "Home detention" means a program of partial confinement
28 available to offenders wherein the offender is confined in a private
29 residence subject to electronic surveillance.

30 (29) "Homelessness" or "homeless" means a condition where an
31 individual lacks a fixed, regular, and adequate nighttime residence and
32 who has a primary nighttime residence that is:

33 (a) A supervised, publicly or privately operated shelter designed
34 to provide temporary living accommodations;

35 (b) A public or private place not designed for, or ordinarily used
36 as, a regular sleeping accommodation for human beings; or

37 (c) A private residence where the individual stays as a transient
38 invitee.

1 (30) "Legal financial obligation" means a sum of money that is
2 ordered by a superior court of the state of Washington for legal
3 financial obligations which may include restitution to the victim,
4 statutorily imposed crime victims' compensation fees as assessed
5 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
6 court-appointed attorneys' fees, and costs of defense, fines, and any
7 other financial obligation that is assessed to the offender as a result
8 of a felony conviction. Upon conviction for vehicular assault while
9 under the influence of intoxicating liquor or any drug, RCW
10 46.61.522(1)(b), or vehicular homicide while under the influence of
11 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
12 obligations may also include payment to a public agency of the expense
13 of an emergency response to the incident resulting in the conviction,
14 subject to RCW 38.52.430.

15 (31) "Minor child" means a biological or adopted child of the
16 offender who is under age eighteen at the time of the offender's
17 current offense.

18 (32) "Most serious offense" means any of the following felonies or
19 a felony attempt to commit any of the following felonies:

20 (a) Any felony defined under any law as a class A felony or
21 criminal solicitation of or criminal conspiracy to commit a class A
22 felony;

23 (b) Assault in the second degree;

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

25 (d) Child molestation in the second degree;

26 (e) Controlled substance homicide;

27 (f) Extortion in the first degree;

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

29 (h) Indecent liberties;

30 (i) Kidnapping in the second degree;

31 (j) Leading organized crime;

32 (k) Manslaughter in the first degree;

33 (l) Manslaughter in the second degree;

34 (m) Promoting prostitution in the first degree;

35 (n) Rape in the third degree;

36 (o) Robbery in the second degree;

37 (p) Sexual exploitation;

1 (q) Vehicular assault, when caused by the operation or driving of
2 a vehicle by a person while under the influence of intoxicating liquor
3 or any drug or by the operation or driving of a vehicle in a reckless
4 manner;

5 (r) Vehicular homicide, when proximately caused by the driving of
6 any vehicle by any person while under the influence of intoxicating
7 liquor or any drug as defined by RCW 46.61.502, or by the operation of
8 any vehicle in a reckless manner;

9 (s) Any other class B felony offense with a finding of sexual
10 motivation;

11 (t) Any other felony with a deadly weapon verdict under RCW
12 9.94A.825;

13 (u) Any felony offense in effect at any time prior to December 2,
14 1993, that is comparable to a most serious offense under this
15 subsection, or any federal or out-of-state conviction for an offense
16 that under the laws of this state would be a felony classified as a
17 most serious offense under this subsection;

18 (v)(i) A prior conviction for indecent liberties under RCW
19 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
20 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
21 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
22 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

23 (ii) A prior conviction for indecent liberties under RCW
24 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
25 if: (A) The crime was committed against a child under the age of
26 fourteen; or (B) the relationship between the victim and perpetrator is
27 included in the definition of indecent liberties under RCW
28 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
29 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
30 through July 27, 1997;

31 (w) Any out-of-state conviction for a felony offense with a finding
32 of sexual motivation if the minimum sentence imposed was ten years or
33 more; provided that the out-of-state felony offense must be comparable
34 to a felony offense under this title and Title 9A RCW and the out-of-
35 state definition of sexual motivation must be comparable to the
36 definition of sexual motivation contained in this section.

37 (33) "Nonviolent offense" means an offense which is not a violent
38 offense.

1 (34) "Offender" means a person who has committed a felony
2 established by state law and is eighteen years of age or older or is
3 less than eighteen years of age but whose case is under superior court
4 jurisdiction under RCW 13.04.030 or has been transferred by the
5 appropriate juvenile court to a criminal court pursuant to RCW
6 13.40.110. In addition, for the purpose of community custody
7 requirements under this chapter, "offender" also means a misdemeanor
8 or gross misdemeanor probationer ordered by a superior court to
9 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
10 supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011.
11 Throughout this chapter, the terms "offender" and "defendant" are used
12 interchangeably.

13 (35) "Partial confinement" means confinement for no more than one
14 year in a facility or institution operated or utilized under contract
15 by the state or any other unit of government, or, if home detention or
16 work crew has been ordered by the court or home detention has been
17 ordered by the department as part of the parenting program, in an
18 approved residence, for a substantial portion of each day with the
19 balance of the day spent in the community. Partial confinement
20 includes work release, home detention, work crew, and a combination of
21 work crew and home detention.

22 (36) "Pattern of criminal street gang activity" means:

23 (a) The commission, attempt, conspiracy, or solicitation of, or any
24 prior juvenile adjudication of or adult conviction of, two or more of
25 the following criminal street gang-related offenses:

26 (i) Any "serious violent" felony offense as defined in this
27 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
28 Child 1 (RCW 9A.36.120);

29 (ii) Any "violent" offense as defined by this section, excluding
30 Assault of a Child 2 (RCW 9A.36.130);

31 (iii) Deliver or Possession with Intent to Deliver a Controlled
32 Substance (chapter 69.50 RCW);

33 (iv) Any violation of the firearms and dangerous weapon act
34 (chapter 9.41 RCW);

35 (v) Theft of a Firearm (RCW 9A.56.300);

36 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

37 (vii) Malicious Harassment (RCW 9A.36.080);

1 (viii) Harassment where a subsequent violation or deadly threat is
2 made (RCW 9A.46.020(2)(b));
3 (ix) Criminal Gang Intimidation (RCW 9A.46.120);
4 (x) Any felony conviction by a person eighteen years of age or
5 older with a special finding of involving a juvenile in a felony
6 offense under RCW 9.94A.833;
7 (xi) Residential Burglary (RCW 9A.52.025);
8 (xii) Burglary 2 (RCW 9A.52.030);
9 (xiii) Malicious Mischief 1 (RCW 9A.48.070);
10 (xiv) Malicious Mischief 2 (RCW 9A.48.080);
11 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
12 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
13 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);
14 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
15 9A.56.075);
16 (xix) Extortion 1 (RCW 9A.56.120);
17 (xx) Extortion 2 (RCW 9A.56.130);
18 (xxi) Intimidating a Witness (RCW 9A.72.110);
19 (xxii) Tampering with a Witness (RCW 9A.72.120);
20 (xxiii) Reckless Endangerment (RCW 9A.36.050);
21 (xxiv) Coercion (RCW 9A.36.070);
22 (xxv) Harassment (RCW 9A.46.020); or
23 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);
24 (b) That at least one of the offenses listed in (a) of this
25 subsection shall have occurred after July 1, 2008;
26 (c) That the most recent committed offense listed in (a) of this
27 subsection occurred within three years of a prior offense listed in (a)
28 of this subsection; and
29 (d) Of the offenses that were committed in (a) of this subsection,
30 the offenses occurred on separate occasions or were committed by two or
31 more persons.
32 (37) "Persistent offender" is an offender who:
33 (a)(i) Has been convicted in this state of any felony considered a
34 most serious offense; and
35 (ii) Has, before the commission of the offense under (a) of this
36 subsection, been convicted as an offender on at least two separate
37 occasions, whether in this state or elsewhere, of felonies that under
38 the laws of this state would be considered most serious offenses and

1 would be included in the offender score under RCW 9.94A.525; provided
2 that of the two or more previous convictions, at least one conviction
3 must have occurred before the commission of any of the other most
4 serious offenses for which the offender was previously convicted; or

5 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
6 of a child in the first degree, child molestation in the first degree,
7 rape in the second degree, rape of a child in the second degree, or
8 indecent liberties by forcible compulsion; (B) any of the following
9 offenses with a finding of sexual motivation: Murder in the first
10 degree, murder in the second degree, homicide by abuse, kidnapping in
11 the first degree, kidnapping in the second degree, assault in the first
12 degree, assault in the second degree, assault of a child in the first
13 degree, assault of a child in the second degree, or burglary in the
14 first degree; or (C) an attempt to commit any crime listed in this
15 subsection (37)(b)(i); and

16 (ii) Has, before the commission of the offense under (b)(i) of this
17 subsection, been convicted as an offender on at least one occasion,
18 whether in this state or elsewhere, of an offense listed in (b)(i) of
19 this subsection or any federal or out-of-state offense or offense under
20 prior Washington law that is comparable to the offenses listed in
21 (b)(i) of this subsection. A conviction for rape of a child in the
22 first degree constitutes a conviction under (b)(i) of this subsection
23 only when the offender was sixteen years of age or older when the
24 offender committed the offense. A conviction for rape of a child in
25 the second degree constitutes a conviction under (b)(i) of this
26 subsection only when the offender was eighteen years of age or older
27 when the offender committed the offense.

28 (38) "Predatory" means: (a) The perpetrator of the crime was a
29 stranger to the victim, as defined in this section; (b) the perpetrator
30 established or promoted a relationship with the victim prior to the
31 offense and the victimization of the victim was a significant reason
32 the perpetrator established or promoted the relationship; or (c) the
33 perpetrator was: (i) A teacher, counselor, volunteer, or other person
34 in authority in any public or private school and the victim was a
35 student of the school under his or her authority or supervision. For
36 purposes of this subsection, "school" does not include home-based
37 instruction as defined in RCW 28A.225.010; (ii) a coach, trainer,
38 volunteer, or other person in authority in any recreational activity

1 and the victim was a participant in the activity under his or her
2 authority or supervision; (iii) a pastor, elder, volunteer, or other
3 person in authority in any church or religious organization, and the
4 victim was a member or participant of the organization under his or her
5 authority; or (iv) a teacher, counselor, volunteer, or other person in
6 authority providing home-based instruction and the victim was a student
7 receiving home-based instruction while under his or her authority or
8 supervision. For purposes of this subsection: (A) "Home-based
9 instruction" has the same meaning as defined in RCW 28A.225.010; and
10 (B) "teacher, counselor, volunteer, or other person in authority" does
11 not include the parent or legal guardian of the victim.

12 (39) "Private school" means a school regulated under chapter
13 28A.195 or 28A.205 RCW.

14 (40) "Public school" has the same meaning as in RCW 28A.150.010.

15 (41) "Repetitive domestic violence offense" means any:

16 (a)(i) Domestic violence assault that is not a felony offense under
17 RCW 9A.36.041;

18 (ii) Domestic violence violation of a no-contact order under
19 chapter 10.99 RCW that is not a felony offense;

20 (iii) Domestic violence violation of a protection order under
21 chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony offense;

22 (iv) Domestic violence harassment offense under RCW 9A.46.020 that
23 is not a felony offense; or

24 (v) Domestic violence stalking offense under RCW 9A.46.110 that is
25 not a felony offense; or

26 (b) Any federal, out-of-state, tribal court, military, county, or
27 municipal conviction for an offense that under the laws of this state
28 would be classified as a repetitive domestic violence offense under (a)
29 of this subsection.

30 (42) "Restitution" means a specific sum of money ordered by the
31 sentencing court to be paid by the offender to the court over a
32 specified period of time as payment of damages. The sum may include
33 both public and private costs.

34 (43) "Risk assessment" means the application of the risk instrument
35 recommended to the department by the Washington state institute for
36 public policy as having the highest degree of predictive accuracy for
37 assessing an offender's risk of reoffense.

38 (44) "Serious traffic offense" means:

1 (a) Nonfelony driving while under the influence of intoxicating
2 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
3 while under the influence of intoxicating liquor or any drug (RCW
4 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
5 attended vehicle (RCW 46.52.020(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 (45) "Serious violent offense" is a subcategory of violent offense
10 and means:

11 (a)(i) Murder in the first degree;

12 (ii) Homicide by abuse;

13 (iii) Murder in the second degree;

14 (iv) Manslaughter in the first degree;

15 (v) Assault in the first degree;

16 (vi) Kidnapping in the first degree;

17 (vii) Rape in the first degree;

18 (viii) Assault of a child in the first degree; or

19 (ix) An attempt, criminal solicitation, or criminal conspiracy to
20 commit one of these felonies; or

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

24 (46) "Sex offense" means:

25 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
26 RCW 9A.44.132;

27 (ii) A violation of RCW 9A.64.020;

28 (iii) A felony that is a violation of chapter 9.68A RCW other than
29 RCW 9.68A.080;

30 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
31 criminal solicitation, or criminal conspiracy to commit such crimes; or

32 (v) A felony violation of RCW 9A.44.132(1) (failure to register as
33 a sex offender) if the person has been convicted of violating RCW
34 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior
35 to June 10, 2010, on at least one prior occasion;

36 (b) Any conviction for a felony offense in effect at any time prior
37 to July 1, 1976, that is comparable to a felony classified as a sex
38 offense in (a) of this subsection;

1 (c) A felony with a finding of sexual motivation under RCW
2 9.94A.835 or 13.40.135; or

3 (d) Any federal or out-of-state conviction for an offense that
4 under the laws of this state would be a felony classified as a sex
5 offense under (a) of this subsection.

6 (47) "Sexual motivation" means that one of the purposes for which
7 the defendant committed the crime was for the purpose of his or her
8 sexual gratification.

9 (48) "Standard sentence range" means the sentencing court's
10 discretionary range in imposing a nonappealable sentence.

11 (49) "Statutory maximum sentence" means the maximum length of time
12 for which an offender may be confined as punishment for a crime as
13 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
14 crime, or other statute defining the maximum penalty for a crime.

15 (50) "Stranger" means that the victim did not know the offender
16 twenty-four hours before the offense.

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

21 (52) "Transition training" means written and verbal instructions
22 and assistance provided by the department to the offender during the
23 two weeks prior to the offender's successful completion of the work
24 ethic camp program. The transition training shall include instructions
25 in the offender's requirements and obligations during the offender's
26 period of community custody.

27 (53) "Victim" means any person who has sustained emotional,
28 psychological, physical, or financial injury to person or property as
29 a direct result of the crime charged.

30 (54) "Violent offense" means:

31 (a) Any of the following felonies:

32 (i) Any felony defined under any law as a class A felony or an
33 attempt to commit a class A felony;

34 (ii) Criminal solicitation of or criminal conspiracy to commit a
35 class A felony;

36 (iii) Manslaughter in the first degree;

37 (iv) Manslaughter in the second degree;

38 (v) Indecent liberties if committed by forcible compulsion;

1 (vi) Kidnapping in the second degree;
2 (vii) Arson in the second degree;
3 (viii) Assault in the second degree;
4 (ix) Assault of a child in the second degree;
5 (x) Extortion in the first degree;
6 (xi) Robbery in the second degree;
7 (xii) Drive-by shooting;
8 (xiii) Vehicular assault, when caused by the operation or driving
9 of a vehicle by a person while under the influence of intoxicating
10 liquor or any drug or by the operation or driving of a vehicle in a
11 reckless manner; and

12 (xiv) Vehicular homicide, when proximately caused by the driving of
13 any vehicle by any person while under the influence of intoxicating
14 liquor or any drug as defined by RCW 46.61.502, or by the operation of
15 any vehicle in a reckless manner;

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

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

22 (55) "Work crew" means a program of partial confinement consisting
23 of civic improvement tasks for the benefit of the community that
24 complies with RCW 9.94A.725.

25 (56) "Work ethic camp" means an alternative incarceration program
26 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
27 the cost of corrections by requiring offenders to complete a
28 comprehensive array of real-world job and vocational experiences,
29 character-building work ethics training, life management skills
30 development, substance abuse rehabilitation, counseling, literacy
31 training, and basic adult education.

32 (57) "Work release" means a program of partial confinement
33 available to offenders who are employed or engaged as a student in a
34 regular course of study at school.

35 **Sec. 11.** RCW 28A.300.147 and 2011 c 338 s 6 are each amended to
36 read as follows:

1 The superintendent of public instruction shall publish on its web
2 site, with a link to the safety center web page((7)):

3 (1) A revised and updated sample policy for schools to follow
4 regarding students required to register as sex or kidnapping offenders;
5 and

6 (2) Educational materials developed pursuant to RCW 28A.300.145.

7 **Sec. 12.** RCW 72.09.345 and 2011 c 338 s 5 are each amended to read
8 as follows:

9 (1) In addition to any other information required to be released
10 under this chapter, the department is authorized, pursuant to RCW
11 4.24.550, to release relevant information that is necessary to protect
12 the public concerning offenders convicted of sex offenses.

13 (2) In order for public agencies to have the information necessary
14 to notify the public as authorized in RCW 4.24.550, the secretary shall
15 establish and administer an end-of-sentence review committee for the
16 purposes of assigning risk levels, reviewing available release plans,
17 and making appropriate referrals for sex offenders.

18 (3) The committee shall assess, on a case-by-case basis, the public
19 risk posed by:

20 (a) Offenders preparing for release from confinement for a sex
21 offense or sexually violent offense committed on or after July 1, 1984;

22 (b) Sex offenders accepted from another state under a reciprocal
23 agreement under the interstate corrections compact authorized in
24 chapter 72.74 RCW;

25 (c) Juveniles preparing for release from confinement for a sex
26 offense and releasing from the department of social and health services
27 juvenile rehabilitation administration;

28 (d) Juveniles, following disposition, under the jurisdiction of a
29 county juvenile court for a registerable sex offense; and

30 (e) Juveniles found to have committed a sex offense and accepted
31 from another state under a reciprocal agreement under the interstate
32 compact for juveniles authorized in chapter 13.24 RCW.

33 (4) Notwithstanding any other provision of law, the committee shall
34 have access to all relevant records and information in the possession
35 of public agencies relating to the offenders under review, including
36 police reports; prosecutors' statements of probable cause; presentence
37 investigations and reports; complete judgments and sentences; current

1 classification referrals; criminal history summaries; violation and
2 disciplinary reports; all psychological evaluations and psychiatric
3 hospital reports; sex offender treatment program reports; and juvenile
4 records. Records and information obtained under this subsection shall
5 not be disclosed outside the committee unless otherwise authorized by
6 law.

7 (5) The committee shall review each sex offender under its
8 authority before the offender's release from confinement or start of
9 the offender's term of community custody in order to: (a) Classify the
10 offender into a risk level for the purposes of public notification
11 under RCW 4.24.550; (b) where available, review the offender's proposed
12 release plan in accordance with the requirements of RCW 72.09.340; and
13 (c) make appropriate referrals.

14 (6) The committee shall classify as risk level I those sex
15 offenders whose risk assessments indicate ((a)) they are low risk ((~~of~~
16 ~~reoffense~~)) offenders within the community at large. The committee
17 shall classify as risk level II those offenders whose risk assessments
18 indicate ((a)) they are moderate risk ((~~of~~ ~~reoffense~~)) offenders within
19 the community at large. The committee shall classify as risk level III
20 those offenders whose risk assessments indicate ((a)) they are high
21 risk ((~~of~~ ~~reoffense~~)) offenders within the community at large.

22 (7) The committee shall issue to appropriate law enforcement
23 agencies, for their use in making public notifications under RCW
24 4.24.550, narrative notices regarding the pending release of sex
25 offenders from the department's facilities. The narrative notices
26 shall, at a minimum, describe the identity and criminal history
27 behavior of the offender and shall include the department's risk level
28 classification for the offender. For sex offenders classified as
29 either risk level II or III, the narrative notices shall also include
30 the reasons underlying the classification.

31 NEW SECTION. **Sec. 13.** Section 11 of this act takes effect
32 September 1, 2013."

33 Correct the title.

EFFECT: (1) Requires that a public request for information about

a level I sex offender be made in writing.

(2) Requires that a risk assessment tool use by local law enforcement agencies in scoring sex offenders be empirically validated or generally accepted and that the staff scoring the tool be trained.

(3) Removes the requirement that registered sex offenders notify the county sheriff before traveling outside the United States.

(4) Removes the criminal penalties for refusal to provide a DNA sample.

(5) Removes the provisions which regulate district and school policies relating to students required to register as sex offenders.

--- END ---