

**WAC 110-06-0120 Secretary's list.** (1) The crimes and conduct described in this section constitute the secretary's list.

(2) Subject to the requirements described in this chapter, the department must permanently disqualify subject individuals who have a pending criminal charge or conviction for any of the crimes listed in this subsection.

<b>Citation</b>	<b>Description</b>
RCW 9A.42.060	Abandonment of a dependent person in the first degree (if the victim is a child)
RCW 9A.42.070	Abandonment of a dependent person in the second degree (if the victim is a child)
RCW 10.95.020	Aggravated murder
RCW 9A.48.020	Arson in the first degree
RCW 9A.48.030	Arson in the second degree
RCW 9A.36.011	Assault in the first degree
RCW 9A.36.021	Assault in the second degree
RCW 9A.36.031	Assault in the third degree (if causes bodily harm)
RCW 9A.36.120	Assault of a child in the first degree
RCW 9A.36.130	Assault of a child in the second degree
RCW 9A.36.140	Assault of a child in the third degree
RCW 9A.52.020	Burglary in the first degree (if child or spouse is assaulted)
RCW 9A.44.083	Child molestation in the first degree
RCW 9A.44.086	Child molestation in the second degree
RCW 9A.44.089	Child molestation in the third degree
RCW 9A.64.030	Child buying or selling
RCW 9.68A.100	Commercial sexual abuse of a minor
RCW 9.68A.090	Communication with minor for immoral purposes (if a felony)
RCW 69.50.415	Controlled substances homicide (if the victim is a child)
RCW 9A.42.020	Criminal mistreatment in the first degree (if the victim is a child)
RCW 9A.42.030	Criminal mistreatment in the second degree (if the victim is a child)
RCW 9A.36.100	Custodial assault (if causes bodily harm)
RCW 9A.40.060	Custodial interference in the first degree (if the victim is a child)

<b>Citation</b>	<b>Description</b>
RCW 9A.40.070	Custodial interference in the second degree (if the victim is a child; and the conviction is the subject individual's second or subsequent conviction of custodial interference in the second degree)
RCW 9A.44.160	Custodial sexual misconduct in the first degree (if the victim is a child)
RCW 9.68A.050	Dealing in depictions of minor engaged in sexually explicit conduct in the first degree or second degree
RCW 9A.36.045	Drive-by shooting (if the victim is a child)
RCW 9A.42.100	Endangerment with a controlled substance (if the victim is a child)
RCW 9A.56.120	Extortion in the first degree (if the victim is a child)
RCW 9A.56.130	Extortion in the second degree (if the victim is a child)
RCW 9A.36.080	Hate crime offense (if the victim is a child)
RCW 9A.32.055	Homicide by abuse (if the victim is a child)
RCW 9A.64.020	Incest in the first degree or second degree (if the victim is a child)
RCW 9A.88.010	Indecent exposure (if a felony and the victim is a child)
RCW 9A.44.100	Indecent liberties
RCW 9A.40.020	Kidnapping in the first degree
RCW 9A.40.030	Kidnapping in the second degree
RCW 9A.40.090	Luring (if the victim is a child)
RCW 9A.32.060	Manslaughter in the first degree (if the victim is a child)
RCW 9A.32.070	Manslaughter in the second degree (if the victim is a child)
RCW 9A.32.030	Murder in the first degree
RCW 9A.32.050	Murder in the second degree
RCW 9.68A.070	Possession of depictions of minor engaged in sexually explicit conduct in the first degree or second degree
RCW 9.68A.101	Promoting commercial sexual abuse of a minor
RCW 9.68.140	Promoting pornography (if the victim is a child)
RCW 9A.88.070	Promoting prostitution in the first degree (if the victim is a child)
RCW 9.68A.102	Promoting travel for commercial sexual abuse of a minor
RCW 9A.44.040	Rape in the first degree
RCW 9A.44.050	Rape in the second degree
RCW 9A.44.060	Rape in the third degree

<b>Citation</b>	<b>Description</b>
RCW 9A.44.073	Rape of a child in the first degree
RCW 9A.44.076	Rape of a child in the second degree
RCW 9A.44.079	Rape of a child in the third degree
RCW 9A.56.200	Robbery in the first degree (if the victim is a child)
RCW 9A.56.210	Robbery in the second degree (if the victim is a child)
RCW 9.68A.060	Sending, bringing into state depictions of minor engaged in sexually explicit conduct in the first degree or second degree
RCW 9.68A.040	Sexual exploitation of a minor
RCW 9A.44.093	Sexual misconduct with a minor in the first degree
RCW 9A.40.040	Unlawful imprisonment (if the victim is a child)
RCW 46.61.520	Vehicular homicide (if the victim is a child)

(3) Subject to the requirements described in this chapter, the department may disqualify subject individuals who have a pending criminal charge or conviction for a crime listed in this subsection.

<b>Citation</b>	<b>Description</b>
RCW 9A.42.060	Abandonment of a dependent person in the first degree (if the victim is not a child)
RCW 9A.42.070	Abandonment of a dependent person in the second degree (if the victim is not a child)
RCW 9A.42.080	Abandonment of a dependent person in the third degree
RCW 16.52.205	Animal cruelty in the first degree
RCW 16.52.207	Animal cruelty in the second degree
RCW 9A.36.031	Assault in the third degree (if no bodily harm)
RCW 9A.36.041	Assault in the fourth degree
RCW 9A.52.020	Burglary in the first degree (if a child or spouse is not assaulted)
RCW 9A.52.030	Burglary in the second degree
RCW 9A.36.070	Coercion
RCW 9.68A.090	Communication with minor for immoral purposes (if a gross misdemeanor)
RCW 69.50.415	Controlled substances homicide (if the victim is not a child)
RCW 9A.46.120	Criminal gang intimidation
RCW 9A.60.040	Criminal impersonation in the first degree
RCW 9A.42.020	Criminal mistreatment in the first degree (if the victim is not a child)

<b>Citation</b>	<b>Description</b>
RCW 9A.42.030	Criminal mistreatment in the second degree (if the victim is not a child)
RCW 9A.42.035	Criminal mistreatment in the third degree
RCW 9A.42.037	Criminal mistreatment in the fourth degree
RCW 9.05.060	Criminal sabotage
RCW 9A.36.100	Custodial assault (if no bodily harm)
RCW 9A.40.060	Custodial interference in the first degree (if the victim is not a child)
RCW 9A.40.070	Custodial interference in the second degree (if the victim is not a child)
RCW 9A.44.160	Custodial sexual misconduct in the first degree (if the victim is not a child)
RCW 9A.44.170	Custodial sexual misconduct in the second degree
RCW 9.61.260	Cyberstalking
RCW 9A.36.045	Drive-by shooting (if the victim is not a child)
RCW 46.61.502	Driving under the influence of intoxicating liquor, marijuana, or any drug (if the conviction was for a felony or the conviction occurred within three years of the date of the subject individual's request for authorization)
RCW 46.52.020	Duty in case of personal injury or death or damage to attended vehicle or other property – Penalties (if a felony)
RCW 9A.42.100	Endangerment with a controlled substance (if the victim is not a child)
RCW 9A.56.120	Extortion in the first degree (if the victim is not a child)
RCW 9A.56.130	Extortion in the second degree (if the victim is not a child)
RCW 9A.44.132	Failure to register as sex offender or kidnapping offender
RCW 66.44.270	Furnishing liquor to minors (only if the subject individual sells, gives, or otherwise supplies liquor to a person under the age of 21 years; or permits any person under that age to consume liquor on the subject individual's property or on any property under the subject individual's control)
RCW 9A.46.020	Harassment
RCW 9A.36.080	Hate crime offense (if the victim is not a child)
RCW 9A.32.055	Homicide by abuse (if the victim is not a child)

<b>Citation</b>	<b>Description</b>
RCW 79A.60.050	Homicide by watercraft
RCW 9.40.120	Incendiary devices
RCW 9A.64.020	Incest in the first degree or second degree (if the victim is not a child)
RCW 9A.88.010	Indecent exposure (if felony and victim is not a child, or if a misdemeanor)
RCW 9A.82.060	Leading organized crime
RCW 46.61.685	Leaving children unattended in standing vehicle with motor running
RCW 9.91.060	Leaving children unattended in parked automobile
RCW 9A.40.090	Luring (if the victim is not a child)
RCW 70.74.270	Malicious placement of an explosive in the first, second, or third degree
RCW 70.74.272	Malicious placement of an imitation device in the first degree or second degree
RCW 9A.32.060	Manslaughter in the first degree (if the victim is not a child)
RCW 9A.32.070	Manslaughter in the second degree (if the victim is not a child)
RCW 46.61.5249	Negligent driving in the first degree (if the conviction occurred within three years of the date of the subject individual's request for authorization)
RCW 46.61.504	Physical control of vehicle under the influence (if felony)
RCW 9.68.140	Promoting pornography (if the victim is not a child)
RCW 9A.88.070	Promoting prostitution in the first degree (if the victim is not a child)
RCW 9A.88.080	Promoting prostitution in the second degree
RCW 9A.36.060	Promoting a suicide attempt
RCW 9A.36.050	Reckless endangerment
RCW 9A.76.070	Rendering criminal assistance in the first degree
RCW 9A.52.025	Residential burglary
RCW 9A.56.200	Robbery in the first degree (if the victim is not a child)
RCW 9A.56.210	Robbery in the second degree (if the victim is not a child)
RCW 9A.44.096	Sexual misconduct with a minor in the second degree
RCW 9A.44.105	Sexually violating human remains
RCW 9A.46.110	Stalking
RCW 9.61.230	Telephone harassment (if felony)
RCW 9A.40.100	Trafficking in the first degree or second degree

<b>Citation</b>	<b>Description</b>
RCW 13.32A.080	Unlawful harboring of a minor
RCW 9A.40.040	Unlawful imprisonment (if the victim is not a child)
RCW 69.53.010	Unlawful use of a building for drug abuse purposes
RCW 9.41.225	Use of machine gun or bump-fire stock in felony
RCW 46.61.522	Vehicular assault
RCW 46.61.520	Vehicular homicide (if the victim is not a child)
RCW 9.68A.075	Viewing depictions of minor engaged in sexually explicit conduct in the first or second degree
RCW 26.50.110	Violation of sexual assault protection order under chapter 7.90 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of stalking no-contact order or stalking protection order under chapter 7.92 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of human trafficking no-contact order under chapter 9A.40 if a felony under RCW 26.50.110
RCW 26.50.110	Violation of an order restricting contact under RCW 9A.46.080
RCW 26.50.110	Violation of promoting prostitution no-contact order under chapter 9A.88 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of domestic violence no-contact order under chapter 10.99 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of dissolution proceeding restraining order under chapter 26.09 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of paternity proceeding restraining order under chapter 26.26A or 26.26B RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of a domestic violence order for protection under chapter 26.50 RCW if a felony under RCW 26.50.110
RCW 26.50.110	Violation of an order for protection of a vulnerable adult under chapter 74.34 RCW if a felony under RCW 26.50.110
RCW 10.14.170	Violation of civil antiharassment protection order
RCW 69.52.030	Violation of the Uniform Controlled Substances Act (manufacture, distribute, or possess with intent to distribute)

Citation	Description
Chapter 69.50 RCW (Article IV Offenses and penalties)	Except for controlled substance homicide if the child is a victim (RCW 69.50.415), any violation of the Uniform Controlled Substances Act
RCW 69.41.020	The unlawful obtaining or attempting to obtain a legend drug, or procure or attempt to procure the administration of a legend drug
RCW 69.41.030	Sale or delivery of legend drug without prescription or order
RCW 69.43.070	Sale, transfer, or furnishing of any substance listed in RCW 69.43.010 with knowledge or intent the recipient will use the substance to unlawfully manufacture a controlled substance; or the receipt of any substance listed in RCW 69.43.010 with intent to use the substance unlawfully to manufacture a controlled substance
RCW 9A.44.115	Voyeurism
RCW 69.41.030	Sale or delivery of legend drug without prescription or order

(4) Subject to the requirements described in this chapter, the department may disqualify subject individuals who have a background that includes any negative action that is based on the conduct described in this subsection.

(a) The abuse, neglect, exploitation, or abandonment of a vulnerable adult, child, or juvenile.

(b) The suspension, termination, revocation, denial, or restriction of a license, professional license, or certification.

(c) The suspension, termination, or revocation of a state or federal contract.

(d) The relinquishment of a license, certification, or contract in lieu of an agency negative action.

(5) Under 42 U.S.C. § 9858f (c) (1) (B) subject individuals must be disqualified and not authorized for employment at a licensed or certified child care facility, if they knowingly make a materially false statement in connection with their criminal background check.

(6) Under 42 U.S.C. § 9858f (c) (1) (C) subject individuals must be disqualified and not authorized for employment at a licensed or certified child care facility, if they are registered, or are required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.).

[Statutory Authority: RCW 43.43.832(2), 43.216.065, and 43.216.271. WSR 22-10-022, § 110-06-0120, filed 4/25/22, effective 5/26/22. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-06-0120, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-06-0120, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-040, § 170-06-0120, filed 11/20/15, effective 1/1/16. Statutory Authority: RCW 43.215.060,

43.215.070 and chapter 43.215 RCW. WSR 14-13-002, § 170-06-0120, filed 6/4/14, effective 7/5/14. Statutory Authority: RCW 43.215.200, 43.215.205, 43.215.215 through 43.215.218, 43.43.830, 43.43.832, chapter 43.215 and 43.43 RCW, and 2011 c 295. WSR 12-12-040, § 170-06-0120, filed 5/30/12, effective 7/1/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.43.832, 2006 c 265 and 2007 c 387. WSR 08-10-041, § 170-06-0120, filed 4/30/08, effective 5/31/08.]