

2SSB 6319 - H COMM AMD

By Committee on Appropriations

ADOPTED 03/02/2006

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

3 "**Sec. 1.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are
4 each reenacted and amended to read as follows:

5 (1) Any adult or juvenile residing whether or not the person has a
6 fixed residence, or who is a student, is employed, or carries on a
7 vocation in this state who has been found to have committed or has been
8 convicted of any sex offense or kidnapping offense, or who has been
9 found not guilty by reason of insanity under chapter 10.77 RCW of
10 committing any sex offense or kidnapping offense, shall register with
11 the county sheriff for the county of the person's residence, or if the
12 person is not a resident of Washington, the county of the person's
13 school, or place of employment or vocation, or as otherwise specified
14 in this section. Where a person required to register under this
15 section is in custody of the state department of corrections, the state
16 department of social and health services, a local division of youth
17 services, or a local jail or juvenile detention facility as a result of
18 a sex offense or kidnapping offense, the person shall also register at
19 the time of release from custody with an official designated by the
20 agency that has jurisdiction over the person. In addition, any such
21 adult or juvenile: (a) Who is admitted to a public or private
22 institution of higher education shall, within ten days of enrolling or
23 by the first business day after arriving at the institution, whichever
24 is earlier, notify the sheriff for the county of the person's residence
25 of the person's intent to attend the institution; (b) who gains
26 employment at a public or private institution of higher education
27 shall, within ten days of accepting employment or by the first business
28 day after commencing work at the institution, whichever is earlier,
29 notify the sheriff for the county of the person's residence of the
30 person's employment by the institution; or (c) whose enrollment or

1 employment at a public or private institution of higher education is
2 terminated shall, within ten days of such termination, notify the
3 sheriff for the county of the person's residence of the person's
4 termination of enrollment or employment at the institution. Persons
5 required to register under this section who are enrolled in a public or
6 private institution of higher education on June 11, 1998, must notify
7 the county sheriff immediately. The sheriff shall notify the
8 institution's department of public safety and shall provide that
9 department with the same information provided to a county sheriff under
10 subsection (3) of this section.

11 (2) This section may not be construed to confer any powers pursuant
12 to RCW ((~~4.24.500~~)) 4.24.550 upon the public safety department of any
13 public or private institution of higher education.

14 (3)(a) The person shall provide the following information when
15 registering: (i) Name; (ii) address; (iii) date and place of birth;
16 (iv) place of employment; (v) crime for which convicted; (vi) date and
17 place of conviction; (vii) aliases used; (viii) social security number;
18 (ix) photograph; and (x) fingerprints.

19 (b) Any person who lacks a fixed residence shall provide the
20 following information when registering: (i) Name; (ii) date and place
21 of birth; (iii) place of employment; (iv) crime for which convicted;
22 (v) date and place of conviction; (vi) aliases used; (vii) social
23 security number; (viii) photograph; (ix) fingerprints; and (x) where he
24 or she plans to stay.

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

29 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
30 offense on, before, or after February 28, 1990, and who, on or after
31 July 28, 1991, are in custody, as a result of that offense, of the
32 state department of corrections, the state department of social and
33 health services, a local division of youth services, or a local jail or
34 juvenile detention facility, and (B) kidnapping offenders who on or
35 after July 27, 1997, are in custody of the state department of
36 corrections, the state department of social and health services, a
37 local division of youth services, or a local jail or juvenile detention
38 facility, must register at the time of release from custody with an

1 official designated by the agency that has jurisdiction over the
2 offender. The agency shall within three days forward the registration
3 information to the county sheriff for the county of the offender's
4 anticipated residence. The offender must also register within twenty-
5 four hours from the time of release with the county sheriff for the
6 county of the person's residence, or if the person is not a resident of
7 Washington, the county of the person's school, or place of employment
8 or vocation. The agency that has jurisdiction over the offender shall
9 provide notice to the offender of the duty to register. Failure to
10 register at the time of release and within twenty-four hours of release
11 constitutes a violation of this section and is punishable as provided
12 in subsection (10) of this section.

13 When the agency with jurisdiction intends to release an offender
14 with a duty to register under this section, and the agency has
15 knowledge that the offender is eligible for developmental disability
16 services from the department of social and health services, the agency
17 shall notify the division of developmental disabilities of the release.
18 Notice shall occur not more than thirty days before the offender is to
19 be released. The agency and the division shall assist the offender in
20 meeting the initial registration requirement under this section.
21 Failure to provide such assistance shall not constitute a defense for
22 any violation of this section.

23 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
24 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
25 but are under the jurisdiction of the indeterminate sentence review
26 board or under the department of correction's active supervision, as
27 defined by the department of corrections, the state department of
28 social and health services, or a local division of youth services, for
29 sex offenses committed before, on, or after February 28, 1990, must
30 register within ten days of July 28, 1991. Kidnapping offenders who,
31 on July 27, 1997, are not in custody but are under the jurisdiction of
32 the indeterminate sentence review board or under the department of
33 correction's active supervision, as defined by the department of
34 corrections, the state department of social and health services, or a
35 local division of youth services, for kidnapping offenses committed
36 before, on, or after July 27, 1997, must register within ten days of
37 July 27, 1997. A change in supervision status of a sex offender who
38 was required to register under this subsection (4)(a)(ii) as of July

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

5 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
6 or after July 23, 1995, and kidnapping offenders who, on or after July
7 27, 1997, as a result of that offense are in the custody of the United
8 States bureau of prisons or other federal or military correctional
9 agency for sex offenses committed before, on, or after February 28,
10 1990, or kidnapping offenses committed on, before, or after July 27,
11 1997, must register within twenty-four hours from the time of release
12 with the county sheriff for the county of the person's residence, or if
13 the person is not a resident of Washington, the county of the person's
14 school, or place of employment or vocation. Sex offenders who, on July
15 23, 1995, are not in custody but are under the jurisdiction of the
16 United States bureau of prisons, United States courts, United States
17 parole commission, or military parole board for sex offenses committed
18 before, on, or after February 28, 1990, must register within ten days
19 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
20 in custody but are under the jurisdiction of the United States bureau
21 of prisons, United States courts, United States parole commission, or
22 military parole board for kidnapping offenses committed before, on, or
23 after July 27, 1997, must register within ten days of July 27, 1997.
24 A change in supervision status of a sex offender who was required to
25 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
26 kidnapping offender required to register as of July 27, 1997 shall not
27 relieve the offender of the duty to register or to reregister following
28 a change in residence, or if the person is not a resident of
29 Washington, the county of the person's school, or place of employment
30 or vocation. The obligation to register shall only cease pursuant to
31 RCW 9A.44.140.

32 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
33 who are convicted of a sex offense on or after July 28, 1991, for a sex
34 offense that was committed on or after February 28, 1990, and
35 kidnapping offenders who are convicted on or after July 27, 1997, for
36 a kidnapping offense that was committed on or after July 27, 1997, but
37 who are not sentenced to serve a term of confinement immediately upon

1 sentencing, shall report to the county sheriff to register immediately
2 upon completion of being sentenced.

3 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
4 RESIDENTS. Sex offenders and kidnapping offenders who move to
5 Washington state from another state or a foreign country that are not
6 under the jurisdiction of the state department of corrections, the
7 indeterminate sentence review board, or the state department of social
8 and health services at the time of moving to Washington, must register
9 within thirty days of establishing residence or reestablishing
10 residence if the person is a former Washington resident. The duty to
11 register under this subsection applies to sex offenders convicted under
12 the laws of another state or a foreign country, federal or military
13 statutes, or Washington state for offenses committed on or after
14 February 28, 1990, and to kidnapping offenders convicted under the laws
15 of another state or a foreign country, federal or military statutes, or
16 Washington state for offenses committed on or after July 27, 1997. Sex
17 offenders and kidnapping offenders from other states or a foreign
18 country who, when they move to Washington, are under the jurisdiction
19 of the department of corrections, the indeterminate sentence review
20 board, or the department of social and health services must register
21 within twenty-four hours of moving to Washington. The agency that has
22 jurisdiction over the offender shall notify the offender of the
23 registration requirements before the offender moves to Washington.

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

1 adult or juvenile who has been found not guilty by reason of insanity
2 of committing a kidnapping offense but who was released before July 27,
3 1997, shall be required to register within twenty-four hours of
4 receiving notice of this registration requirement. The state
5 department of social and health services shall make reasonable attempts
6 within available resources to notify sex offenders who were released
7 before July 23, 1995, and kidnapping offenders who were released before
8 July 27, 1997. Failure to register within twenty-four hours of
9 release, or of receiving notice, constitutes a violation of this
10 section and is punishable as provided in subsection (10) of this
11 section.

12 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
13 a fixed residence and leaves the county in which he or she is
14 registered and enters and remains within a new county for twenty-four
15 hours is required to register with the county sheriff not more than
16 twenty-four hours after entering the county and provide the information
17 required in subsection (3)(b) of this section.

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

22 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
23 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,
24 who move to another state, or who work, carry on a vocation, or attend
25 school in another state shall register a new address, fingerprints, and
26 photograph with the new state within ten days after establishing
27 residence, or after beginning to work, carry on a vocation, or attend
28 school in the new state. The person must also send written notice
29 within ten days of moving to the new state or to a foreign country to
30 the county sheriff with whom the person last registered in Washington
31 state. The county sheriff shall promptly forward this information to
32 the Washington state patrol.

33 (b) Failure to register within the time required under this section
34 constitutes a per se violation of this section and is punishable as
35 provided in subsection (10) of this section. The county sheriff shall
36 not be required to determine whether the person is living within the
37 county.

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

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

17 (5)(a) If any person required to register pursuant to this section
18 changes his or her residence address within the same county, the person
19 must send written notice of the change of address to the county sheriff
20 within seventy-two hours of moving. If any person required to register
21 pursuant to this section moves to a new county, the person must send
22 written notice of the change of address at least fourteen days before
23 moving to the county sheriff in the new county of residence and must
24 register with that county sheriff within twenty-four hours of moving.
25 The person must also send written notice within ten days of the change
26 of address in the new county to the county sheriff with whom the person
27 last registered. The county sheriff with whom the person last
28 registered shall promptly forward the information concerning the change
29 of address to the county sheriff for the county of the person's new
30 residence. Upon receipt of notice of change of address to a new state,
31 the county sheriff shall promptly forward the information regarding the
32 change of address to the agency designated by the new state as the
33 state's offender registration agency.

34 (b) It is an affirmative defense to a charge that the person failed
35 to send a notice at least fourteen days in advance of moving as
36 required under (a) of this subsection that the person did not know the
37 location of his or her new residence at least fourteen days before
38 moving. The defendant must establish the defense by a preponderance of

1 the evidence and, to prevail on the defense, must also prove by a
2 preponderance that the defendant sent the required notice within
3 twenty-four hours of determining the new address.

4 (6)(a) Any person required to register under this section who lacks
5 a fixed residence shall provide written notice to the sheriff of the
6 county where he or she last registered within forty-eight hours
7 excluding weekends and holidays after ceasing to have a fixed
8 residence. The notice shall include the information required by
9 subsection (3)(b) of this section, except the photograph and
10 fingerprints. The county sheriff may, for reasonable cause, require
11 the offender to provide a photograph and fingerprints. The sheriff
12 shall forward this information to the sheriff of the county in which
13 the person intends to reside, if the person intends to reside in
14 another county.

15 (b) A person who lacks a fixed residence must report weekly, in
16 person, to the sheriff of the county where he or she is registered.
17 The weekly report shall be on a day specified by the county sheriff's
18 office, and shall occur during normal business hours. The county
19 sheriff's office may require the person to list the locations where the
20 person has stayed during the last seven days. The lack of a fixed
21 residence is a factor that may be considered in determining an
22 offender's risk level and shall make the offender subject to disclosure
23 of information to the public at large pursuant to RCW 4.24.550.

24 (c) If any person required to register pursuant to this section
25 does not have a fixed residence, it is an affirmative defense to the
26 charge of failure to register, that he or she provided written notice
27 to the sheriff of the county where he or she last registered within
28 forty-eight hours excluding weekends and holidays after ceasing to have
29 a fixed residence and has subsequently complied with the requirements
30 of subsections (4)(a)(vii) or (viii) and (6) of this section. To
31 prevail, the person must prove the defense by a preponderance of the
32 evidence.

33 (7) A sex offender subject to registration requirements under this
34 section who applies to change his or her name under RCW 4.24.130 or any
35 other law shall submit a copy of the application to the county sheriff
36 of the county of the person's residence and to the state patrol not
37 fewer than five days before the entry of an order granting the name
38 change. No sex offender under the requirement to register under this

1 section at the time of application shall be granted an order changing
2 his or her name if the court finds that doing so will interfere with
3 legitimate law enforcement interests, except that no order shall be
4 denied when the name change is requested for religious or legitimate
5 cultural reasons or in recognition of marriage or dissolution of
6 marriage. A sex offender under the requirement to register under this
7 section who receives an order changing his or her name shall submit a
8 copy of the order to the county sheriff of the county of the person's
9 residence and to the state patrol within five days of the entry of the
10 order.

11 (8) The county sheriff shall obtain a photograph of the individual
12 and shall obtain a copy of the individual's fingerprints.

13 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
14 70.48.470, and 72.09.330:

15 (a) "Sex offense" means:

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

17 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
18 minor in the second degree);

19 (iii) Any violation under RCW 9.68A.090 (communication with a minor
20 for immoral purposes);

21 (iv) Any federal or out-of-state conviction for an offense that
22 under the laws of this state would be classified as a sex offense under
23 this subsection; and

24 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
25 criminal attempt, criminal solicitation, or criminal conspiracy to
26 commit an offense that is classified as a sex offense under RCW
27 9.94A.030 or this subsection.

28 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
29 the first degree, kidnapping in the second degree, and unlawful
30 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
31 minor and the offender is not the minor's parent; (ii) any offense that
32 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
33 or criminal conspiracy to commit an offense that is classified as a
34 kidnapping offense under this subsection (9)(b); and (iii) any federal
35 or out-of-state conviction for an offense that under the laws of this
36 state would be classified as a kidnapping offense under this subsection
37 (9)(b).

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

7 (d) "Student" means a person who is enrolled, on a full-time or
8 part-time basis, in any public or private educational institution. An
9 educational institution includes any secondary school, trade or
10 professional institution, or institution of higher education.

11 (10)(a) A person who knowingly fails to (~~register with the county~~
12 ~~sheriff or notify the county sheriff, or who changes his or her name~~
13 ~~without notifying the county sheriff and the state patrol, as required~~
14 ~~by~~) comply with any of the requirements of this section is guilty of
15 a class C felony if the crime for which the individual was convicted
16 was a felony sex offense as defined in subsection (9)(a) of this
17 section or a federal or out-of-state conviction for an offense that
18 under the laws of this state would be a felony sex offense as defined
19 in subsection (9)(a) of this section.

20 (b) If the crime for which the individual was convicted was other
21 than a felony or a federal or out-of-state conviction for an offense
22 that under the laws of this state would be other than a felony,
23 violation of this section is a gross misdemeanor.

24 (11)(a) A person who knowingly fails to register or who moves
25 within the state without notifying the county sheriff as required by
26 this section is guilty of a class C felony if the crime for which the
27 individual was convicted was a felony kidnapping offense as defined in
28 subsection (9)(b) of this section or a federal or out-of-state
29 conviction for an offense that under the laws of this state would be a
30 felony kidnapping offense as defined in subsection (9)(b) of this
31 section.

32 (b) If the crime for which the individual was convicted was other
33 than a felony or a federal or out-of-state conviction for an offense
34 that under the laws of this state would be other than a felony,
35 violation of this section is a gross misdemeanor.

36 **Sec. 2.** RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read
37 as follows:

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

17 (b) Any adult or juvenile who is required to register under (a) of
18 this subsection:

19 (i) Who is attending, or planning to attend, a public or private
20 school regulated under Title 28A RCW or chapter 72.40 RCW shall, within
21 ten days of enrolling or prior to arriving at the school to attend
22 classes, whichever is earlier, notify the sheriff for the county of the
23 person's residence of the person's intent to attend the school, and the
24 sheriff shall promptly notify the principal of the school;

25 (ii) Who is admitted to a public or private institution of higher
26 education shall, within ten days of enrolling or by the first business
27 day after arriving at the institution, whichever is earlier, notify the
28 sheriff for the county of the person's residence of the person's intent
29 to attend the institution;

30 (iii) Who gains employment at a public or private institution of
31 higher education shall, within ten days of accepting employment or by
32 the first business day after commencing work at the institution,
33 whichever is earlier, notify the sheriff for the county of the person's
34 residence of the person's employment by the institution; or

35 (iv) Whose enrollment or employment at a public or private
36 institution of higher education is terminated shall, within ten days of
37 such termination, notify the sheriff for the county of the person's

1 residence of the person's termination of enrollment or employment at
2 the institution.

3 (c) Persons required to register under this section who are
4 enrolled in a public or private institution of higher education on June
5 11, 1998, or a public or private school regulated under Title 28A RCW
6 or chapter 72.40 RCW on September 1, 2006, must notify the county
7 sheriff immediately.

8 (d) The sheriff shall notify the school's principal or
9 institution's department of public safety and shall provide that
10 department with the same information provided to a county sheriff under
11 subsection (3) of this section.

12 (e)(i) A principal receiving notice under this subsection must
13 disclose the information received from the sheriff under (b) of this
14 subsection as follows:

15 (A) If the student who is required to register as a sex offender is
16 classified as a risk level II or III, the principal shall provide the
17 information received to every teacher of any student required to
18 register under (a) of this subsection and to any other personnel who,
19 in the judgment of the principal, supervises the student or for
20 security purposes should be aware of the student's record;

21 (B) If the student who is required to register as a sex offender is
22 classified as a risk level I, the principal shall provide the
23 information received only to personnel who, in the judgment of the
24 principal, for security purposes should be aware of the student's
25 record.

26 (ii) Any information received by a principal or school personnel
27 under this subsection is confidential and may not be further
28 disseminated except as provided in RCW 28A.225.330, other statutes or
29 case law, and the family and educational and privacy rights act of
30 1994, 20 U.S.C. Sec. 1232g et seq.

31 (2) This section may not be construed to confer any powers pursuant
32 to RCW (~~(4.24.500)~~) 4.24.550 upon the public safety department of any
33 public or private school or institution of higher education.

34 (3)(a) The person shall provide the following information when
35 registering: (i) Name; (ii) address; (iii) date and place of birth;
36 (iv) place of employment; (v) crime for which convicted; (vi) date and
37 place of conviction; (vii) aliases used; (viii) social security number;
38 (ix) photograph; and (x) fingerprints.

1 (b) Any person who lacks a fixed residence shall provide the
2 following information when registering: (i) Name; (ii) date and place
3 of birth; (iii) place of employment; (iv) crime for which convicted;
4 (v) date and place of conviction; (vi) aliases used; (vii) social
5 security number; (viii) photograph; (ix) fingerprints; and (x) where he
6 or she plans to stay.

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

11 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
12 offense on, before, or after February 28, 1990, and who, on or after
13 July 28, 1991, are in custody, as a result of that offense, of the
14 state department of corrections, the state department of social and
15 health services, a local division of youth services, or a local jail or
16 juvenile detention facility, and (B) kidnapping offenders who on or
17 after July 27, 1997, are in custody of the state department of
18 corrections, the state department of social and health services, a
19 local division of youth services, or a local jail or juvenile detention
20 facility, must register at the time of release from custody with an
21 official designated by the agency that has jurisdiction over the
22 offender. The agency shall within three days forward the registration
23 information to the county sheriff for the county of the offender's
24 anticipated residence. The offender must also register within twenty-
25 four hours from the time of release with the county sheriff for the
26 county of the person's residence, or if the person is not a resident of
27 Washington, the county of the person's school, or place of employment
28 or vocation. The agency that has jurisdiction over the offender shall
29 provide notice to the offender of the duty to register. Failure to
30 register at the time of release and within twenty-four hours of release
31 constitutes a violation of this section and is punishable as provided
32 in subsection (10) of this section.

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

1 be released. The agency and the division shall assist the offender in
2 meeting the initial registration requirement under this section.
3 Failure to provide such assistance shall not constitute a defense for
4 any violation of this section.

5 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
6 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
7 but are under the jurisdiction of the indeterminate sentence review
8 board or under the department of corrections' active supervision, as
9 defined by the department of corrections, the state department of
10 social and health services, or a local division of youth services, for
11 sex offenses committed before, on, or after February 28, 1990, must
12 register within ten days of July 28, 1991. Kidnapping offenders who,
13 on July 27, 1997, are not in custody but are under the jurisdiction of
14 the indeterminate sentence review board or under the department of
15 corrections' active supervision, as defined by the department of
16 corrections, the state department of social and health services, or a
17 local division of youth services, for kidnapping offenses committed
18 before, on, or after July 27, 1997, must register within ten days of
19 July 27, 1997. A change in supervision status of a sex offender who
20 was required to register under this subsection (4)(a)(ii) as of July
21 28, 1991, or a kidnapping offender required to register as of July 27,
22 1997, shall not relieve the offender of the duty to register or to
23 reregister following a change in residence. The obligation to register
24 shall only cease pursuant to RCW 9A.44.140.

25 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
26 or after July 23, 1995, and kidnapping offenders who, on or after July
27 27, 1997, as a result of that offense are in the custody of the United
28 States bureau of prisons or other federal or military correctional
29 agency for sex offenses committed before, on, or after February 28,
30 1990, or kidnapping offenses committed on, before, or after July 27,
31 1997, must register within twenty-four hours from the time of release
32 with the county sheriff for the county of the person's residence, or if
33 the person is not a resident of Washington, the county of the person's
34 school, or place of employment or vocation. Sex offenders who, on July
35 23, 1995, are not in custody but are under the jurisdiction of the
36 United States bureau of prisons, United States courts, United States
37 parole commission, or military parole board for sex offenses committed
38 before, on, or after February 28, 1990, must register within ten days

1 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
2 in custody but are under the jurisdiction of the United States bureau
3 of prisons, United States courts, United States parole commission, or
4 military parole board for kidnapping offenses committed before, on, or
5 after July 27, 1997, must register within ten days of July 27, 1997.
6 A change in supervision status of a sex offender who was required to
7 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
8 kidnapping offender required to register as of July 27, 1997 shall not
9 relieve the offender of the duty to register or to reregister following
10 a change in residence, or if the person is not a resident of
11 Washington, the county of the person's school, or place of employment
12 or vocation. The obligation to register shall only cease pursuant to
13 RCW 9A.44.140.

14 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
15 who are convicted of a sex offense on or after July 28, 1991, for a sex
16 offense that was committed on or after February 28, 1990, and
17 kidnapping offenders who are convicted on or after July 27, 1997, for
18 a kidnapping offense that was committed on or after July 27, 1997, but
19 who are not sentenced to serve a term of confinement immediately upon
20 sentencing, shall report to the county sheriff to register immediately
21 upon completion of being sentenced.

22 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
23 RESIDENTS. Sex offenders and kidnapping offenders who move to
24 Washington state from another state or a foreign country that are not
25 under the jurisdiction of the state department of corrections, the
26 indeterminate sentence review board, or the state department of social
27 and health services at the time of moving to Washington, must register
28 within thirty days of establishing residence or reestablishing
29 residence if the person is a former Washington resident. The duty to
30 register under this subsection applies to sex offenders convicted under
31 the laws of another state or a foreign country, federal or military
32 statutes, or Washington state for offenses committed on or after
33 February 28, 1990, and to kidnapping offenders convicted under the laws
34 of another state or a foreign country, federal or military statutes, or
35 Washington state for offenses committed on or after July 27, 1997. Sex
36 offenders and kidnapping offenders from other states or a foreign
37 country who, when they move to Washington, are under the jurisdiction
38 of the department of corrections, the indeterminate sentence review

1 board, or the department of social and health services must register
2 within twenty-four hours of moving to Washington. The agency that has
3 jurisdiction over the offender shall notify the offender of the
4 registration requirements before the offender moves to Washington.

5 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
6 or juvenile who has been found not guilty by reason of insanity under
7 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
8 February 28, 1990, and who, on or after July 23, 1995, is in custody,
9 as a result of that finding, of the state department of social and
10 health services, or (B) committing a kidnapping offense on, before, or
11 after July 27, 1997, and who on or after July 27, 1997, is in custody,
12 as a result of that finding, of the state department of social and
13 health services, must register within twenty-four hours from the time
14 of release with the county sheriff for the county of the person's
15 residence. The state department of social and health services shall
16 provide notice to the adult or juvenile in its custody of the duty to
17 register. Any adult or juvenile who has been found not guilty by
18 reason of insanity of committing a sex offense on, before, or after
19 February 28, 1990, but who was released before July 23, 1995, or any
20 adult or juvenile who has been found not guilty by reason of insanity
21 of committing a kidnapping offense but who was released before July 27,
22 1997, shall be required to register within twenty-four hours of
23 receiving notice of this registration requirement. The state
24 department of social and health services shall make reasonable attempts
25 within available resources to notify sex offenders who were released
26 before July 23, 1995, and kidnapping offenders who were released before
27 July 27, 1997. Failure to register within twenty-four hours of
28 release, or of receiving notice, constitutes a violation of this
29 section and is punishable as provided in subsection (10) of this
30 section.

31 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
32 a fixed residence and leaves the county in which he or she is
33 registered and enters and remains within a new county for twenty-four
34 hours is required to register with the county sheriff not more than
35 twenty-four hours after entering the county and provide the information
36 required in subsection (3)(b) of this section.

37 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER

1 SUPERVISION. Offenders who lack a fixed residence and who are under
2 the supervision of the department shall register in the county of their
3 supervision.

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

15 (b) Failure to register within the time required under this section
16 constitutes a per se violation of this section and is punishable as
17 provided in subsection (10) of this section. The county sheriff shall
18 not be required to determine whether the person is living within the
19 county.

20 (c) An arrest on charges of failure to register, service of an
21 information, or a complaint for a violation of this section, or
22 arraignment on charges for a violation of this section, constitutes
23 actual notice of the duty to register. Any person charged with the
24 crime of failure to register under this section who asserts as a
25 defense the lack of notice of the duty to register shall register
26 immediately following actual notice of the duty through arrest,
27 service, or arraignment. Failure to register as required under this
28 subsection (4)(c) constitutes grounds for filing another charge of
29 failing to register. Registering following arrest, service, or
30 arraignment on charges shall not relieve the offender from criminal
31 liability for failure to register prior to the filing of the original
32 charge.

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

36 (5)(a) If any person required to register pursuant to this section
37 changes his or her residence address within the same county, the person
38 must send written notice of the change of address to the county sheriff

1 within seventy-two hours of moving. If any person required to register
2 pursuant to this section moves to a new county, the person must send
3 written notice of the change of address at least fourteen days before
4 moving to the county sheriff in the new county of residence and must
5 register with that county sheriff within twenty-four hours of moving.
6 The person must also send written notice within ten days of the change
7 of address in the new county to the county sheriff with whom the person
8 last registered. The county sheriff with whom the person last
9 registered shall promptly forward the information concerning the change
10 of address to the county sheriff for the county of the person's new
11 residence. Upon receipt of notice of change of address to a new state,
12 the county sheriff shall promptly forward the information regarding the
13 change of address to the agency designated by the new state as the
14 state's offender registration agency.

15 (b) It is an affirmative defense to a charge that the person failed
16 to send a notice at least fourteen days in advance of moving as
17 required under (a) of this subsection that the person did not know the
18 location of his or her new residence at least fourteen days before
19 moving. The defendant must establish the defense by a preponderance of
20 the evidence and, to prevail on the defense, must also prove by a
21 preponderance that the defendant sent the required notice within
22 twenty-four hours of determining the new address.

23 (6)(a) Any person required to register under this section who lacks
24 a fixed residence shall provide written notice to the sheriff of the
25 county where he or she last registered within forty-eight hours
26 excluding weekends and holidays after ceasing to have a fixed
27 residence. The notice shall include the information required by
28 subsection (3)(b) of this section, except the photograph and
29 fingerprints. The county sheriff may, for reasonable cause, require
30 the offender to provide a photograph and fingerprints. The sheriff
31 shall forward this information to the sheriff of the county in which
32 the person intends to reside, if the person intends to reside in
33 another county.

34 (b) A person who lacks a fixed residence must report weekly, in
35 person, to the sheriff of the county where he or she is registered.
36 The weekly report shall be on a day specified by the county sheriff's
37 office, and shall occur during normal business hours. The county
38 sheriff's office may require the person to list the locations where the

1 person has stayed during the last seven days. The lack of a fixed
2 residence is a factor that may be considered in determining an
3 offender's risk level and shall make the offender subject to disclosure
4 of information to the public at large pursuant to RCW 4.24.550.

5 (c) If any person required to register pursuant to this section
6 does not have a fixed residence, it is an affirmative defense to the
7 charge of failure to register, that he or she provided written notice
8 to the sheriff of the county where he or she last registered within
9 forty-eight hours excluding weekends and holidays after ceasing to have
10 a fixed residence and has subsequently complied with the requirements
11 of subsections (4)(a)(vii) or (viii) and (6) of this section. To
12 prevail, the person must prove the defense by a preponderance of the
13 evidence.

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

30 (8) The county sheriff shall obtain a photograph of the individual
31 and shall obtain a copy of the individual's fingerprints.

32 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
33 70.48.470, and 72.09.330:

34 (a) "Sex offense" means:

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

36 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
37 minor in the second degree);

1 (iii) Any violation under RCW 9.68A.090 (communication with a minor
2 for immoral purposes);

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

6 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
7 criminal attempt, criminal solicitation, or criminal conspiracy to
8 commit an offense that is classified as a sex offense under RCW
9 9.94A.030 or this subsection.

10 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
11 the first degree, kidnapping in the second degree, and unlawful
12 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
13 minor and the offender is not the minor's parent; (ii) any offense that
14 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
15 or criminal conspiracy to commit an offense that is classified as a
16 kidnapping offense under this subsection (9)(b); and (iii) any federal
17 or out-of-state conviction for an offense that under the laws of this
18 state would be classified as a kidnapping offense under this subsection
19 (9)(b).

20 (c) "Employed" or "carries on a vocation" means employment that is
21 full-time or part-time for a period of time exceeding fourteen days, or
22 for an aggregate period of time exceeding thirty days during any
23 calendar year. A person is employed or carries on a vocation whether
24 the person's employment is financially compensated, volunteered, or for
25 the purpose of government or educational benefit.

26 (d) "Student" means a person who is enrolled, on a full-time or
27 part-time basis, in any public or private educational institution. An
28 educational institution includes any secondary school, trade or
29 professional institution, or institution of higher education.

30 (10)(a) A person who knowingly fails to (~~register with the county~~
31 ~~sheriff or notify the county sheriff, or who changes his or her name~~
32 ~~without notifying the county sheriff and the state patrol, as required~~
33 ~~by~~) comply with any of the requirements of this section is guilty of
34 a class C felony if the crime for which the individual was convicted
35 was a felony sex offense as defined in subsection (9)(a) of this
36 section or a federal or out-of-state conviction for an offense that
37 under the laws of this state would be a felony sex offense as defined
38 in subsection (9)(a) of this section.

1 (b) If the crime for which the individual was convicted was other
2 than a felony or a federal or out-of-state conviction for an offense
3 that under the laws of this state would be other than a felony,
4 violation of this section is a gross misdemeanor.

5 (11)(a) A person who knowingly fails to register or who moves
6 within the state without notifying the county sheriff as required by
7 this section is guilty of a class C felony if the crime for which the
8 individual was convicted was a felony kidnapping offense as defined in
9 subsection (9)(b) of this section or a federal or out-of-state
10 conviction for an offense that under the laws of this state would be a
11 felony kidnapping offense as defined in subsection (9)(b) of this
12 section.

13 (b) If the crime for which the individual was convicted was other
14 than a felony or a federal or out-of-state conviction for an offense
15 that under the laws of this state would be other than a felony,
16 violation of this section is a gross misdemeanor.

17 (12) Except as may otherwise be provided by law, nothing in this
18 section shall impose any liability upon a peace officer, including a
19 county sheriff, or law enforcement agency, for failing to release
20 information authorized under this section.

21 **Sec. 3.** RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are
22 each reenacted and amended to read as follows:

23 TABLE 2
24 CRIMES INCLUDED WITHIN
25 EACH SERIOUSNESS LEVEL

26	XVI	Aggravated Murder 1 (RCW
27		10.95.020)
28	XV	Homicide by abuse (RCW 9A.32.055)
29		Malicious explosion 1 (RCW
30		70.74.280(1))
31		Murder 1 (RCW 9A.32.030)
32	XIV	Murder 2 (RCW 9A.32.050)
33		Trafficking 1 (RCW 9A.40.100(1))
34	XIII	Malicious explosion 2 (RCW
35		70.74.280(2))

1 Malicious placement of an explosive 1
2 (RCW 70.74.270(1))
3 XII Assault 1 (RCW 9A.36.011)
4 Assault of a Child 1 (RCW 9A.36.120)
5 Malicious placement of an imitation
6 device 1 (RCW 70.74.272(1)(a))
7 Rape 1 (RCW 9A.44.040)
8 Rape of a Child 1 (RCW 9A.44.073)
9 Trafficking 2 (RCW 9A.40.100(2))
10 XI Manslaughter 1 (RCW 9A.32.060)
11 Rape 2 (RCW 9A.44.050)
12 Rape of a Child 2 (RCW 9A.44.076)
13 X Child Molestation 1 (RCW 9A.44.083)
14 Indecent Liberties (with forcible
15 compulsion) (RCW
16 9A.44.100(1)(a))
17 Kidnapping 1 (RCW 9A.40.020)
18 Leading Organized Crime (RCW
19 9A.82.060(1)(a))
20 Malicious explosion 3 (RCW
21 70.74.280(3))
22 Sexually Violent Predator Escape
23 (RCW 9A.76.115)
24 IX Assault of a Child 2 (RCW 9A.36.130)
25 Explosive devices prohibited (RCW
26 70.74.180)
27 Hit and Run--Death (RCW
28 46.52.020(4)(a))
29 Homicide by Watercraft, by being
30 under the influence of intoxicating
31 liquor or any drug (RCW
32 79A.60.050)
33 Inciting Criminal Profiteering (RCW
34 9A.82.060(1)(b))
35 Malicious placement of an explosive 2
36 (RCW 70.74.270(2))
37 Robbery 1 (RCW 9A.56.200)

1 Sexual Exploitation (RCW 9.68A.040)
2 Vehicular Homicide, by being under
3 the influence of intoxicating liquor
4 or any drug (RCW 46.61.520)
5 VIII Arson 1 (RCW 9A.48.020)
6 Homicide by Watercraft, by the
7 operation of any vessel in a
8 reckless manner (RCW
9 79A.60.050)
10 Manslaughter 2 (RCW 9A.32.070)
11 Promoting Prostitution 1 (RCW
12 9A.88.070)
13 Theft of Ammonia (RCW 69.55.010)
14 Vehicular Homicide, by the operation
15 of any vehicle in a reckless
16 manner (RCW 46.61.520)
17 VII Burglary 1 (RCW 9A.52.020)
18 Child Molestation 2 (RCW 9A.44.086)
19 Civil Disorder Training (RCW
20 9A.48.120)
21 Dealing in depictions of minor
22 engaged in sexually explicit
23 conduct (RCW 9.68A.050)
24 Drive-by Shooting (RCW 9A.36.045)
25 Homicide by Watercraft, by disregard
26 for the safety of others (RCW
27 79A.60.050)
28 Indecent Liberties (without forcible
29 compulsion) (RCW 9A.44.100(1)
30 (b) and (c))
31 Introducing Contraband 1 (RCW
32 9A.76.140)
33 Malicious placement of an explosive 3
34 (RCW 70.74.270(3))
35 Negligently Causing Death By Use of
36 a Signal Preemption Device
37 (RCW 46.37.675)

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct (RCW
4 9.68A.060)
5 Unlawful Possession of a Firearm in
6 the first degree (RCW
7 9.41.040(1))
8 Use of a Machine Gun in Commission
9 of a Felony (RCW 9.41.225)
10 Vehicular Homicide, by disregard for
11 the safety of others (RCW
12 46.61.520)
13 VI Bail Jumping with Murder 1 (RCW
14 9A.76.170(3)(a))
15 Bribery (RCW 9A.68.010)
16 Incest 1 (RCW 9A.64.020(1))
17 Intimidating a Judge (RCW
18 9A.72.160)
19 Intimidating a Juror/Witness (RCW
20 9A.72.110, 9A.72.130)
21 Malicious placement of an imitation
22 device 2 (RCW 70.74.272(1)(b))
23 Rape of a Child 3 (RCW 9A.44.079)
24 Theft of a Firearm (RCW 9A.56.300)
25 Unlawful Storage of Ammonia (RCW
26 69.55.020)
27 V Abandonment of dependent person 1
28 (RCW 9A.42.060)
29 Advancing money or property for
30 extortionate extension of credit
31 (RCW 9A.82.030)
32 Bail Jumping with class A Felony
33 (RCW 9A.76.170(3)(b))
34 Child Molestation 3 (RCW 9A.44.089)
35 Criminal Mistreatment 1 (RCW
36 9A.42.020)

1 Custodial Sexual Misconduct 1 (RCW
2 9A.44.160)
3 Domestic Violence Court Order
4 Violation (RCW 10.99.040,
5 10.99.050, 26.09.300, 26.10.220,
6 26.26.138, 26.50.110, 26.52.070,
7 or 74.34.145)
8 Extortion 1 (RCW 9A.56.120)
9 Extortionate Extension of Credit
10 (RCW 9A.82.020)
11 Extortionate Means to Collect
12 Extensions of Credit (RCW
13 9A.82.040)
14 Incest 2 (RCW 9A.64.020(2))
15 Kidnapping 2 (RCW 9A.40.030)
16 Perjury 1 (RCW 9A.72.020)
17 Persistent prison misbehavior (RCW
18 9.94.070)
19 Possession of a Stolen Firearm (RCW
20 9A.56.310)
21 Rape 3 (RCW 9A.44.060)
22 Rendering Criminal Assistance 1
23 (RCW 9A.76.070)
24 Sexual Misconduct with a Minor 1
25 (RCW 9A.44.093)
26 Sexually Violating Human Remains
27 (RCW 9A.44.105)
28 Stalking (RCW 9A.46.110)
29 Taking Motor Vehicle Without
30 Permission 1 (RCW 9A.56.070)
31 IV Arson 2 (RCW 9A.48.030)
32 Assault 2 (RCW 9A.36.021)
33 Assault 3 (of a Peace Officer with a
34 Projectile Stun Gun) (RCW
35 9A.36.031(1)(h))
36 Assault by Watercraft (RCW
37 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9.46.1961)
5 Commercial Bribery (RCW
6 9A.68.060)
7 Counterfeiting (RCW 9.16.035(4))
8 Endangerment with a Controlled
9 Substance (RCW 9A.42.100)
10 Escape 1 (RCW 9A.76.110)
11 Hit and Run--Injury (RCW
12 46.52.020(4)(b))
13 Hit and Run with Vessel--Injury
14 Accident (RCW 79A.60.200(3))
15 Identity Theft 1 (RCW 9.35.020(2))
16 Indecent Exposure to Person Under
17 Age Fourteen (subsequent sex
18 offense) (RCW 9A.88.010)
19 Influencing Outcome of Sporting
20 Event (RCW 9A.82.070)
21 Malicious Harassment (RCW
22 9A.36.080)
23 Residential Burglary (RCW
24 9A.52.025)
25 Robbery 2 (RCW 9A.56.210)
26 Theft of Livestock 1 (RCW 9A.56.080)
27 Threats to Bomb (RCW 9.61.160)
28 Trafficking in Stolen Property 1 (RCW
29 9A.82.050)
30 Unlawful factoring of a credit card or
31 payment card transaction (RCW
32 9A.56.290(4)(b))
33 Unlawful transaction of health
34 coverage as a health care service
35 contractor (RCW 48.44.016(3))

1 Unlawful transaction of health
2 coverage as a health maintenance
3 organization (RCW 48.46.033(3))
4 Unlawful transaction of insurance
5 business (RCW 48.15.023(3))
6 Unlicensed practice as an insurance
7 professional (RCW 48.17.063(3))
8 Use of Proceeds of Criminal
9 Profiteering (RCW 9A.82.080 (1)
10 and (2))
11 Vehicular Assault, by being under the
12 influence of intoxicating liquor or
13 any drug, or by the operation or
14 driving of a vehicle in a reckless
15 manner (RCW 46.61.522)
16 Willful Failure to Return from
17 Furlough (RCW 72.66.060)
18 III Abandonment of dependent person 2
19 (RCW 9A.42.070)
20 Assault 3 (Except Assault 3 of a Peace
21 Officer With a Projectile Stun
22 Gun) (RCW 9A.36.031 except
23 subsection (1)(h))
24 Assault of a Child 3 (RCW 9A.36.140)
25 Bail Jumping with class B or C Felony
26 (RCW 9A.76.170(3)(c))
27 Burglary 2 (RCW 9A.52.030)
28 Communication with a Minor for
29 Immoral Purposes (RCW
30 9.68A.090)
31 Criminal Gang Intimidation (RCW
32 9A.46.120)
33 Criminal Mistreatment 2 (RCW
34 9A.42.030)
35 Custodial Assault (RCW 9A.36.100)

1 Cyberstalking (subsequent conviction
2 or threat of death) (RCW
3 9.61.260(3))
4 Escape 2 (RCW 9A.76.120)
5 Extortion 2 (RCW 9A.56.130)
6 Harassment (RCW 9A.46.020)
7 Intimidating a Public Servant (RCW
8 9A.76.180)
9 Introducing Contraband 2 (RCW
10 9A.76.150)
11 Malicious Injury to Railroad Property
12 (RCW 81.60.070)
13 Negligently Causing Substantial Bodily
14 Harm By Use of a Signal
15 Preemption Device (RCW
16 46.37.674)
17 Patronizing a Juvenile Prostitute
18 (RCW 9.68A.100)
19 Perjury 2 (RCW 9A.72.030)
20 Possession of Incendiary Device (RCW
21 9.40.120)
22 Possession of Machine Gun or Short-
23 Barreled Shotgun or Rifle (RCW
24 9.41.190)
25 Promoting Prostitution 2 (RCW
26 9A.88.080)
27 Securities Act violation (RCW
28 21.20.400)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death)
33 (RCW 9.61.230(2))
34 Theft of Livestock 2 (RCW 9A.56.083)
35 Trafficking in Stolen Property 2 (RCW
36 9A.82.055)

1 Unlawful Imprisonment (RCW
2 9A.40.040)
3 Unlawful possession of firearm in the
4 second degree (RCW 9.41.040(2))
5 Vehicular Assault, by the operation or
6 driving of a vehicle with disregard
7 for the safety of others (RCW
8 46.61.522)
9 Willful Failure to Return from Work
10 Release (RCW 72.65.070)
11 II Computer Trespass 1 (RCW
12 9A.52.110)
13 Counterfeiting (RCW 9.16.035(3))
14 Escape from Community Custody
15 (RCW 72.09.310)
16 Health Care False Claims (RCW
17 48.80.030)
18 Identity Theft 2 (RCW 9.35.020(3))
19 Improperly Obtaining Financial
20 Information (RCW 9.35.010)
21 Malicious Mischief 1 (RCW
22 9A.48.070)
23 Possession of Stolen Property 1 (RCW
24 9A.56.150)
25 Failure to Register as a Sex Offender
26 (second or subsequent offense)
27 (RCW 9A.44.130(10)(a))
28 Theft 1 (RCW 9A.56.030)
29 Theft of Rental, Leased, or Lease-
30 purchased Property (valued at one
31 thousand five hundred dollars or
32 more) (RCW 9A.56.096(5)(a))
33 Trafficking in Insurance Claims (RCW
34 48.30A.015)
35 Unlawful factoring of a credit card or
36 payment card transaction (RCW
37 9A.56.290(4)(a))

1 Unlawful Practice of Law (RCW
2 2.48.180)
3 Unlicensed Practice of a Profession or
4 Business (RCW 18.130.190(7))
5 I Attempting to Elude a Pursuing Police
6 Vehicle (RCW 46.61.024)
7 False Verification for Welfare (RCW
8 74.08.055)
9 Forgery (RCW 9A.60.020)
10 Fraudulent Creation or Revocation of a
11 Mental Health Advance Directive
12 (RCW 9A.60.060)
13 Malicious Mischief 2 (RCW
14 9A.48.080)
15 Mineral Trespass (RCW 78.44.330)
16 Possession of Stolen Property 2 (RCW
17 9A.56.160)
18 Reckless Burning 1 (RCW 9A.48.040)
19 Taking Motor Vehicle Without
20 Permission 2 (RCW 9A.56.075)
21 Theft 2 (RCW 9A.56.040)
22 Theft of Rental, Leased, or Lease-
23 purchased Property (valued at two
24 hundred fifty dollars or more but
25 less than one thousand five
26 hundred dollars) (RCW
27 9A.56.096(5)(b))
28 Transaction of insurance business
29 beyond the scope of licensure
30 (RCW 48.17.063(4))
31 Unlawful Issuance of Checks or Drafts
32 (RCW 9A.56.060)
33 Unlawful Possession of Fictitious
34 Identification (RCW 9A.56.320)
35 Unlawful Possession of Instruments of
36 Financial Fraud (RCW
37 9A.56.320)

1 Unlawful Possession of Payment
2 Instruments (RCW 9A.56.320)
3 Unlawful Possession of a Personal
4 Identification Device (RCW
5 9A.56.320)
6 Unlawful Production of Payment
7 Instruments (RCW 9A.56.320)
8 Unlawful Trafficking in Food Stamps
9 (RCW 9.91.142)
10 Unlawful Use of Food Stamps (RCW
11 9.91.144)
12 Vehicle Prowl 1 (RCW 9A.52.095)

13 **Sec. 4.** RCW 9.94A.545 and 2003 c 379 s 8 are each amended to read
14 as follows:

15 (1) Except as provided in RCW 9.94A.650 and in subsection (2) of
16 this section, on all sentences of confinement for one year or less, in
17 which the offender is convicted of a sex offense, a violent offense, a
18 crime against a person under RCW 9.94A.411, or felony violation of
19 chapter 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation
20 to commit such a crime, the court may impose up to one year of
21 community custody, subject to conditions and sanctions as authorized in
22 RCW 9.94A.715 and 9.94A.720. An offender shall be on community custody
23 as of the date of sentencing. However, during the time for which the
24 offender is in total or partial confinement pursuant to the sentence or
25 a violation of the sentence, the period of community custody shall
26 toll.

27 (2) If the offender is guilty of failure to register under RCW
28 9A.44.130(10)(a), the court shall impose a term of community custody
29 under RCW 9.94A.715.

30 **Sec. 5.** RCW 9.94A.715 and 2003 c 379 s 6 are each amended to read
31 as follows:

32 (1) When a court sentences a person to the custody of the
33 department for a sex offense not sentenced under RCW 9.94A.712, a
34 violent offense, any crime against persons under RCW 9.94A.411(2), or
35 a felony offense under chapter 69.50 or 69.52 RCW, committed on or
36 after July 1, 2000, or when a court sentences a person to a term of

1 confinement of one year or less for a violation of RCW 9A.44.130(10)(a)
2 committed on or after the effective date of this act, the court shall
3 in addition to the other terms of the sentence, sentence the offender
4 to community custody for the community custody range established under
5 RCW 9.94A.850 or up to the period of earned release awarded pursuant to
6 RCW 9.94A.728 (1) and (2), whichever is longer. The community custody
7 shall begin: (a) Upon completion of the term of confinement; (b) at
8 such time as the offender is transferred to community custody in lieu
9 of earned release in accordance with RCW 9.94A.728 (1) and (2); or (c)
10 with regard to offenders sentenced under RCW 9.94A.660, upon failure to
11 complete or administrative termination from the special drug offender
12 sentencing alternative program. Except as provided in RCW 9.94A.501,
13 the department shall supervise any sentence of community custody
14 imposed under this section.

15 (2)(a) Unless a condition is waived by the court, the conditions of
16 community custody shall include those provided for in RCW 9.94A.700(4).
17 The conditions may also include those provided for in RCW 9.94A.700(5).
18 The court may also order the offender to participate in rehabilitative
19 programs or otherwise perform affirmative conduct reasonably related to
20 the circumstances of the offense, the offender's risk of reoffending,
21 or the safety of the community, and the department shall enforce such
22 conditions pursuant to subsection (6) of this section.

23 (b) As part of any sentence that includes a term of community
24 custody imposed under this subsection, the court shall also require the
25 offender to comply with any conditions imposed by the department under
26 RCW 9.94A.720. The department shall assess the offender's risk of
27 reoffense and may establish and modify additional conditions of the
28 offender's community custody based upon the risk to community safety.
29 In addition, the department may require the offender to participate in
30 rehabilitative programs, or otherwise perform affirmative conduct, and
31 to obey all laws.

32 (c) The department may not impose conditions that are contrary to
33 those ordered by the court and may not contravene or decrease court
34 imposed conditions. The department shall notify the offender in
35 writing of any such conditions or modifications. In setting,
36 modifying, and enforcing conditions of community custody, the
37 department shall be deemed to be performing a quasi-judicial function.

1 (3) If an offender violates conditions imposed by the court or the
2 department pursuant to this section during community custody, the
3 department may transfer the offender to a more restrictive confinement
4 status and impose other available sanctions as provided in RCW
5 9.94A.737 and 9.94A.740.

6 (4) Except for terms of community custody under RCW 9.94A.670, the
7 department shall discharge the offender from community custody on a
8 date determined by the department, which the department may modify,
9 based on risk and performance of the offender, within the range or at
10 the end of the period of earned release, whichever is later.

11 (5) At any time prior to the completion or termination of a sex
12 offender's term of community custody, if the court finds that public
13 safety would be enhanced, the court may impose and enforce an order
14 extending any or all of the conditions imposed pursuant to this section
15 for a period up to the maximum allowable sentence for the crime as it
16 is classified in chapter 9A.20 RCW, regardless of the expiration of the
17 offender's term of community custody. If a violation of a condition
18 extended under this subsection occurs after the expiration of the
19 offender's term of community custody, it shall be deemed a violation of
20 the sentence for the purposes of RCW 9.94A.631 and may be punishable as
21 contempt of court as provided for in RCW 7.21.040. If the court
22 extends a condition beyond the expiration of the term of community
23 custody, the department is not responsible for supervision of the
24 offender's compliance with the condition.

25 (6) Within the funds available for community custody, the
26 department shall determine conditions and duration of community custody
27 on the basis of risk to community safety, and shall supervise offenders
28 during community custody on the basis of risk to community safety and
29 conditions imposed by the court. The secretary shall adopt rules to
30 implement the provisions of this subsection.

31 (7) By the close of the next business day after receiving notice of
32 a condition imposed or modified by the department, an offender may
33 request an administrative review under rules adopted by the department.
34 The condition shall remain in effect unless the reviewing officer finds
35 that it is not reasonably related to any of the following: (a) The
36 crime of conviction; (b) the offender's risk of reoffending; or (c) the
37 safety of the community.

1 **Sec. 6.** RCW 9.94A.525 and 2002 c 290 s 3 and 2002 c 107 s 3 are
2 each reenacted and amended to read as follows:

3 The offender score is measured on the horizontal axis of the
4 sentencing grid. The offender score rules are as follows:

5 The offender score is the sum of points accrued under this section
6 rounded down to the nearest whole number.

7 (1) A prior conviction is a conviction which exists before the date
8 of sentencing for the offense for which the offender score is being
9 computed. Convictions entered or sentenced on the same date as the
10 conviction for which the offender score is being computed shall be
11 deemed "other current offenses" within the meaning of RCW 9.94A.589.

12 (2) Class A and sex prior felony convictions shall always be
13 included in the offender score. Class B prior felony convictions other
14 than sex offenses shall not be included in the offender score, if since
15 the last date of release from confinement (including full-time
16 residential treatment) pursuant to a felony conviction, if any, or
17 entry of judgment and sentence, the offender had spent ten consecutive
18 years in the community without committing any crime that subsequently
19 results in a conviction. Class C prior felony convictions other than
20 sex offenses shall not be included in the offender score if, since the
21 last date of release from confinement (including full-time residential
22 treatment) pursuant to a felony conviction, if any, or entry of
23 judgment and sentence, the offender had spent five consecutive years in
24 the community without committing any crime that subsequently results in
25 a conviction. Serious traffic convictions shall not be included in the
26 offender score if, since the last date of release from confinement
27 (including full-time residential treatment) pursuant to a felony
28 conviction, if any, or entry of judgment and sentence, the offender
29 spent five years in the community without committing any crime that
30 subsequently results in a conviction. This subsection applies to both
31 adult and juvenile prior convictions.

32 (3) Out-of-state convictions for offenses shall be classified
33 according to the comparable offense definitions and sentences provided
34 by Washington law. Federal convictions for offenses shall be
35 classified according to the comparable offense definitions and
36 sentences provided by Washington law. If there is no clearly
37 comparable offense under Washington law or the offense is one that is

1 usually considered subject to exclusive federal jurisdiction, the
2 offense shall be scored as a class C felony equivalent if it was a
3 felony under the relevant federal statute.

4 (4) Score prior convictions for felony anticipatory offenses
5 (attempts, criminal solicitations, and criminal conspiracies) the same
6 as if they were convictions for completed offenses.

7 (5)(a) In the case of multiple prior convictions, for the purpose
8 of computing the offender score, count all convictions separately,
9 except:

10 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to
11 encompass the same criminal conduct, shall be counted as one offense,
12 the offense that yields the highest offender score. The current
13 sentencing court shall determine with respect to other prior adult
14 offenses for which sentences were served concurrently or prior juvenile
15 offenses for which sentences were served consecutively, whether those
16 offenses shall be counted as one offense or as separate offenses using
17 the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and
18 if the court finds that they shall be counted as one offense, then the
19 offense that yields the highest offender score shall be used. The
20 current sentencing court may presume that such other prior offenses
21 were not the same criminal conduct from sentences imposed on separate
22 dates, or in separate counties or jurisdictions, or in separate
23 complaints, indictments, or informations;

24 (ii) In the case of multiple prior convictions for offenses
25 committed before July 1, 1986, for the purpose of computing the
26 offender score, count all adult convictions served concurrently as one
27 offense, and count all juvenile convictions entered on the same date as
28 one offense. Use the conviction for the offense that yields the
29 highest offender score.

30 (b) As used in this subsection (5), "served concurrently" means
31 that: (i) The latter sentence was imposed with specific reference to
32 the former; (ii) the concurrent relationship of the sentences was
33 judicially imposed; and (iii) the concurrent timing of the sentences
34 was not the result of a probation or parole revocation on the former
35 offense.

36 (6) If the present conviction is one of the anticipatory offenses
37 of criminal attempt, solicitation, or conspiracy, count each prior

1 conviction as if the present conviction were for a completed offense.
2 When these convictions are used as criminal history, score them the
3 same as a completed crime.

4 (7) If the present conviction is for a nonviolent offense and not
5 covered by subsection (11) or (12) of this section, count one point for
6 each adult prior felony conviction and one point for each juvenile
7 prior violent felony conviction and 1/2 point for each juvenile prior
8 nonviolent felony conviction.

9 (8) If the present conviction is for a violent offense and not
10 covered in subsection (9), (10), (11), or (12) of this section, count
11 two points for each prior adult and juvenile violent felony conviction,
12 one point for each prior adult nonviolent felony conviction, and 1/2
13 point for each prior juvenile nonviolent felony conviction.

14 (9) If the present conviction is for a serious violent offense,
15 count three points for prior adult and juvenile convictions for crimes
16 in this category, two points for each prior adult and juvenile violent
17 conviction (not already counted), one point for each prior adult
18 nonviolent felony conviction, and 1/2 point for each prior juvenile
19 nonviolent felony conviction.

20 (10) If the present conviction is for Burglary 1, count prior
21 convictions as in subsection (8) of this section; however count two
22 points for each prior adult Burglary 2 or residential burglary
23 conviction, and one point for each prior juvenile Burglary 2 or
24 residential burglary conviction.

25 (11) If the present conviction is for a felony traffic offense
26 count two points for each adult or juvenile prior conviction for
27 Vehicular Homicide or Vehicular Assault; for each felony offense count
28 one point for each adult and 1/2 point for each juvenile prior
29 conviction; for each serious traffic offense, other than those used for
30 an enhancement pursuant to RCW 46.61.520(2), count one point for each
31 adult and 1/2 point for each juvenile prior conviction.

32 (12) If the present conviction is for manufacture of
33 methamphetamine count three points for each adult prior manufacture of
34 methamphetamine conviction and two points for each juvenile manufacture
35 of methamphetamine offense. If the present conviction is for a drug
36 offense and the offender has a criminal history that includes a sex
37 offense or serious violent offense, count three points for each adult
38 prior felony drug offense conviction and two points for each juvenile

1 drug offense. All other adult and juvenile felonies are scored as in
2 subsection (8) of this section if the current drug offense is violent,
3 or as in subsection (7) of this section if the current drug offense is
4 nonviolent.

5 (13) If the present conviction is for Escape from Community
6 Custody, RCW 72.09.310, count only prior escape convictions in the
7 offender score. Count adult prior escape convictions as one point and
8 juvenile prior escape convictions as 1/2 point.

9 (14) If the present conviction is for Escape 1, RCW 9A.76.110, or
10 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and
11 juvenile prior convictions as 1/2 point.

12 (15) If the present conviction is for Burglary 2 or residential
13 burglary, count priors as in subsection (7) of this section; however,
14 count two points for each adult and juvenile prior Burglary 1
15 conviction, two points for each adult prior Burglary 2 or residential
16 burglary conviction, and one point for each juvenile prior Burglary 2
17 or residential burglary conviction.

18 (16) If the present conviction is for a sex offense, count priors
19 as in subsections (7) through (15) of this section; however count three
20 points for each adult and juvenile prior sex offense conviction.

21 (17) If the present conviction is for failure to register as a sex
22 offender under RCW 9A.44.130(10), count priors as in subsections (7)
23 through (15) of this section; however count three points for each adult
24 and juvenile prior sex offense conviction, excluding prior convictions
25 for failure to register as a sex offender under RCW 9A.44.130(10),
26 which shall count as one point.

27 (18) If the present conviction is for an offense committed while
28 the offender was under community placement, add one point.

29 ~~((18))~~ (19) The fact that a prior conviction was not included in
30 an offender's offender score or criminal history at a previous
31 sentencing shall have no bearing on whether it is included in the
32 criminal history or offender score for the current offense.
33 Accordingly, prior convictions that were not counted in the offender
34 score or included in criminal history under repealed or previous
35 versions of the sentencing reform act shall be included in criminal
36 history and shall count in the offender score if the current version of
37 the sentencing reform act requires including or counting those
38 convictions.

1 NEW SECTION. **Sec. 7.** Section 1 of this act expires September 1,
2 2006.

3 NEW SECTION. **Sec. 8.** Section 2 of this act takes effect September
4 1, 2006.

5 NEW SECTION. **Sec. 9.** If specific funding for the purposes of
6 section 3 of this act, referencing this act and section 3 of this act
7 by bill or chapter number and section number, is not provided by June
8 30, 2006, in the omnibus appropriations act, section 3 of this act is
9 null and void.

10 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
11 section 4 of this act, referencing this act and section 4 of this act
12 by bill or chapter number and section number, is not provided by June
13 30, 2006, in the omnibus appropriations act, section 4 of this act is
14 null and void."

15 Correct the title.

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