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HOUSE BILL 3037

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Pearson, Cox, McCune, Ericks, Sells, Campbell, P. Sullivan, Woods, Strow, Morrell and Kilmer

Read first time 01/18/2006.            Referred to Committee on Criminal Justice & Corrections.

1            AN ACT Relating to increasing the penalties for failure to register  
2 as a sex offender; amending RCW 9A.44.130; reenacting and amending RCW  
3 9A.44.130 and 9.94A.515; prescribing penalties; providing an effective  
4 date; providing an expiration date; and declaring an emergency.

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

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

8            (1) Any adult or juvenile residing whether or not the person has a  
9 fixed residence, or who is a student, is employed, or carries on a  
10 vocation in this state who has been found to have committed or has been  
11 convicted of any sex offense or kidnapping offense, or who has been  
12 found not guilty by reason of insanity under chapter 10.77 RCW of  
13 committing any sex offense or kidnapping offense, shall register with  
14 the county sheriff for the county of the person's residence, or if the  
15 person is not a resident of Washington, the county of the person's  
16 school, or place of employment or vocation, or as otherwise specified  
17 in this section. Where a person required to register under this  
18 section is in custody of the state department of corrections, the state  
19 department of social and health services, a local division of youth

1 services, or a local jail or juvenile detention facility as a result of  
2 a sex offense or kidnapping offense, the person shall also register at  
3 the time of release from custody with an official designated by the  
4 agency that has jurisdiction over the person. In addition, any such  
5 adult or juvenile: (a) Who is admitted to a public or private  
6 institution of higher education shall, within ten days of enrolling or  
7 by the first business day after arriving at the institution, whichever  
8 is earlier, notify the sheriff for the county of the person's residence  
9 of the person's intent to attend the institution; (b) who gains  
10 employment at a public or private institution of higher education  
11 shall, within ten days of accepting employment or by the first business  
12 day after commencing work at the institution, whichever is earlier,  
13 notify the sheriff for the county of the person's residence of the  
14 person's employment by the institution; or (c) whose enrollment or  
15 employment at a public or private institution of higher education is  
16 terminated shall, within ten days of such termination, notify the  
17 sheriff for the county of the person's residence of the person's  
18 termination of enrollment or employment at the institution. Persons  
19 required to register under this section who are enrolled in a public or  
20 private institution of higher education on June 11, 1998, must notify  
21 the county sheriff immediately. The sheriff shall notify the  
22 institution's department of public safety and shall provide that  
23 department with the same information provided to a county sheriff under  
24 subsection (3) of this section.

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

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

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

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

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

27 When the agency with jurisdiction intends to release an offender  
28 with a duty to register under this section, and the agency has  
29 knowledge that the offender is eligible for developmental disability  
30 services from the department of social and health services, the agency  
31 shall notify the division of developmental disabilities of the release.  
32 Notice shall occur not more than thirty days before the offender is to  
33 be released. The agency and the division shall assist the offender in  
34 meeting the initial registration requirement under this section.  
35 Failure to provide such assistance shall not constitute a defense for  
36 any violation of this section.

37 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
38 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody

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

19 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
20 or after July 23, 1995, and kidnapping offenders who, on or after July  
21 27, 1997, as a result of that offense are in the custody of the United  
22 States bureau of prisons or other federal or military correctional  
23 agency for sex offenses committed before, on, or after February 28,  
24 1990, or kidnapping offenses committed on, before, or after July 27,  
25 1997, must register within twenty-four hours from the time of release  
26 with the county sheriff for the county of the person's residence, or if  
27 the person is not a resident of Washington, the county of the person's  
28 school, or place of employment or vocation. Sex offenders who, on July  
29 23, 1995, are not in custody but are under the jurisdiction of the  
30 United States bureau of prisons, United States courts, United States  
31 parole commission, or military parole board for sex offenses committed  
32 before, on, or after February 28, 1990, must register within ten days  
33 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not  
34 in custody but are under the jurisdiction of the United States bureau  
35 of prisons, United States courts, United States parole commission, or  
36 military parole board for kidnapping offenses committed before, on, or  
37 after July 27, 1997, must register within ten days of July 27, 1997.  
38 A change in supervision status of a sex offender who was required to

1 register under this subsection (4)(a)(iii) as of July 23, 1995, or a  
2 kidnapping offender required to register as of July 27, 1997 shall not  
3 relieve the offender of the duty to register or to reregister following  
4 a change in residence, or if the person is not a resident of  
5 Washington, the county of the person's school, or place of employment  
6 or vocation. The obligation to register shall only cease pursuant to  
7 RCW 9A.44.140.

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

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

37 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
38 or juvenile who has been found not guilty by reason of insanity under

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

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

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

35 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
36 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
37 who move to another state, or who work, carry on a vocation, or attend  
38 school in another state shall register a new address, fingerprints, and

1 photograph with the new state within ten days after establishing  
2 residence, or after beginning to work, carry on a vocation, or attend  
3 school in the new state. The person must also send written notice  
4 within ten days of moving to the new state or to a foreign country to  
5 the county sheriff with whom the person last registered in Washington  
6 state. The county sheriff shall promptly forward this information to  
7 the Washington state patrol.

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

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

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

29 (5)(a) If any person required to register pursuant to this section  
30 changes his or her residence address within the same county, the person  
31 must send written notice of the change of address to the county sheriff  
32 within seventy-two hours of moving. If any person required to register  
33 pursuant to this section moves to a new county, the person must send  
34 written notice of the change of address at least fourteen days before  
35 moving to the county sheriff in the new county of residence and must  
36 register with that county sheriff within twenty-four hours of moving.  
37 The person must also send written notice within ten days of the change  
38 of address in the new county to the county sheriff with whom the person

1 last registered. The county sheriff with whom the person last  
2 registered shall promptly forward the information concerning the change  
3 of address to the county sheriff for the county of the person's new  
4 residence. Upon receipt of notice of change of address to a new state,  
5 the county sheriff shall promptly forward the information regarding the  
6 change of address to the agency designated by the new state as the  
7 state's offender registration agency.

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

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

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

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



1 to the sheriff of the county where he or she last registered within  
2 forty-eight hours excluding weekends and holidays after ceasing to have  
3 a fixed residence and has subsequently complied with the requirements  
4 of subsections (4)(a)(vii) or (viii) and (6) of this section. To  
5 prevail, the person must prove the defense by a preponderance of the  
6 evidence.

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

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

25 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,  
26 70.48.470, and 72.09.330:

27 (a) "Sex offense" means:

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

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

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

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

36 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
37 criminal attempt, criminal solicitation, or criminal conspiracy to

1 commit an offense that is classified as a sex offense under RCW  
2 9.94A.030 or this subsection.

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

13 (c) "Employed" or "carries on a vocation" means employment that is  
14 full-time or part-time for a period of time exceeding fourteen days, or  
15 for an aggregate period of time exceeding thirty days during any  
16 calendar year. A person is employed or carries on a vocation whether  
17 the person's employment is financially compensated, volunteered, or for  
18 the purpose of government or educational benefit.

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

23 (10)(a) A person who knowingly fails to register with the county  
24 sheriff or notify the county sheriff, or who changes his or her name  
25 without notifying the county sheriff and the state patrol, as required  
26 by this section is guilty of a (~~class C~~) felony if the crime for  
27 which the individual was convicted was a felony sex offense as defined  
28 in subsection (9)(a) 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 sex offense as defined in subsection (9)(a) of this section.

31 (i) The person is guilty of a class B felony if he or she has two  
32 or more prior felony convictions under this subsection.

33 (ii) The person is guilty of a class C felony if he or she has less  
34 than two prior felony convictions under this subsection.

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

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

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

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

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

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

33 (i) Who is attending, or planning to attend, a public or private  
34 school regulated under Title 28A RCW or chapter 72.40 RCW shall, within  
35 ten days of enrolling or prior to arriving at the school to attend  
36 classes, whichever is earlier, notify the sheriff for the county of the

1 person's residence of the person's intent to attend the school, and the  
2 sheriff shall promptly notify the principal of the school;

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

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

13 (iv) Whose enrollment or employment at a public or private  
14 institution of higher education is terminated shall, within ten days of  
15 such termination, notify the sheriff for the county of the person's  
16 residence of the person's termination of enrollment or employment at  
17 the institution.

18 (c) Persons required to register under this section who are  
19 enrolled in a public or private institution of higher education on June  
20 11, 1998, or a public or private school regulated under Title 28A RCW  
21 or chapter 72.40 RCW on September 1, 2006, must notify the county  
22 sheriff immediately.

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

27 (e)(i) A principal receiving notice under this subsection must  
28 disclose the information received from the sheriff under (b) of this  
29 subsection as follows:

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

36 (B) If the student who is required to register as a sex offender is  
37 classified as a risk level I, the principal shall provide the

1 information received only to personnel who, in the judgment of the  
2 principal, for security purposes should be aware of the student's  
3 record.

4 (ii) Any information received by a principal or school personnel  
5 under this subsection is confidential and may not be further  
6 disseminated except as provided in RCW 28A.225.330, other statutes or  
7 case law, and the family and educational and privacy rights act of  
8 1994, 20 U.S.C. Sec. 1232g et seq.

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

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

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

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

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

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

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

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

1 1997, shall not relieve the offender of the duty to register or to  
2 reregister following a change in residence. The obligation to register  
3 shall only cease pursuant to RCW 9A.44.140.

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

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

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

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



1 1997, shall be required to register within twenty-four hours of  
2 receiving notice of this registration requirement. The state  
3 department of social and health services shall make reasonable attempts  
4 within available resources to notify sex offenders who were released  
5 before July 23, 1995, and kidnapping offenders who were released before  
6 July 27, 1997. Failure to register within twenty-four hours of  
7 release, or of receiving notice, constitutes a violation of this  
8 section and is punishable as provided in subsection (10) of this  
9 section.

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

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

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

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

36 (c) An arrest on charges of failure to register, service of an  
37 information, or a complaint for a violation of this section, or  
38 arraignment on charges for a violation of this section, constitutes

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

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

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

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

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

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

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

30           (7) A sex offender subject to registration requirements under this  
31 section who applies to change his or her name under RCW 4.24.130 or any  
32 other law shall submit a copy of the application to the county sheriff  
33 of the county of the person's residence and to the state patrol not  
34 fewer than five days before the entry of an order granting the name  
35 change. No sex offender under the requirement to register under this  
36 section at the time of application shall be granted an order changing  
37 his or her name if the court finds that doing so will interfere with  
38 legitimate law enforcement interests, except that no order shall be

1 denied when the name change is requested for religious or legitimate  
2 cultural reasons or in recognition of marriage or dissolution of  
3 marriage. A sex offender under the requirement to register under this  
4 section who receives an order changing his or her name shall submit a  
5 copy of the order to the county sheriff of the county of the person's  
6 residence and to the state patrol within five days of the entry of the  
7 order.

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

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

12 (a) "Sex offense" means:

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

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

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

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

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

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

35 (c) "Employed" or "carries on a vocation" means employment that is  
36 full-time or part-time for a period of time exceeding fourteen days, or  
37 for an aggregate period of time exceeding thirty days during any

1 calendar year. A person is employed or carries on a vocation whether  
2 the person's employment is financially compensated, volunteered, or for  
3 the purpose of government or educational benefit.

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

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

16 (i) The person is guilty of a class B felony if he or she has two  
17 or more prior felony convictions under this subsection.

18 (ii) The person is guilty of a class C felony if he or she has less  
19 than two prior felony convictions under this subsection.

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 (12) Except as may otherwise be provided by law, nothing in this  
37 section shall impose any liability upon a peace officer, including a

1 county sheriff, or law enforcement agency, for failing to release  
2 information authorized under this section.

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

5 TABLE 2

6 CRIMES INCLUDED WITHIN

7 EACH SERIOUSNESS LEVEL

- 8 XVI Aggravated Murder 1 (RCW  
9 10.95.020)
- 10 XV Homicide by abuse (RCW 9A.32.055)  
11 Malicious explosion 1 (RCW  
12 70.74.280(1))  
13 Murder 1 (RCW 9A.32.030)
- 14 XIV Murder 2 (RCW 9A.32.050)  
15 Trafficking 1 (RCW 9A.40.100(1))
- 16 XIII Malicious explosion 2 (RCW  
17 70.74.280(2))  
18 Malicious placement of an explosive 1  
19 (RCW 70.74.270(1))
- 20 XII Assault 1 (RCW 9A.36.011)  
21 Assault of a Child 1 (RCW 9A.36.120)  
22 Malicious placement of an imitation  
23 device 1 (RCW 70.74.272(1)(a))  
24 Rape 1 (RCW 9A.44.040)  
25 Rape of a Child 1 (RCW 9A.44.073)  
26 Trafficking 2 (RCW 9A.40.100(2))
- 27 XI Manslaughter 1 (RCW 9A.32.060)  
28 Rape 2 (RCW 9A.44.050)  
29 Rape of a Child 2 (RCW 9A.44.076)
- 30 X Child Molestation 1 (RCW 9A.44.083)  
31 Indecent Liberties (with forcible  
32 compulsion) (RCW  
33 9A.44.100(1)(a))  
34 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW  
2 9A.82.060(1)(a))  
3 Malicious explosion 3 (RCW  
4 70.74.280(3))  
5 Sexually Violent Predator Escape  
6 (RCW 9A.76.115)  
7 IX Assault of a Child 2 (RCW 9A.36.130)  
8 Explosive devices prohibited (RCW  
9 70.74.180)  
10 Failure to Register as a Sex Offender  
11 (two or more prior felony  
12 convictions under RCW  
13 9A.44.130(10)(a)) (RCW  
14 9A.44.130(10)(a)(i))  
15 Hit and Run--Death (RCW  
16 46.52.020(4)(a))  
17 Homicide by Watercraft, by being  
18 under the influence of intoxicating  
19 liquor or any drug (RCW  
20 79A.60.050)  
21 Inciting Criminal Profiteering (RCW  
22 9A.82.060(1)(b))  
23 Malicious placement of an explosive 2  
24 (RCW 70.74.270(2))  
25 Robbery 1 (RCW 9A.56.200)  
26 Sexual Exploitation (RCW 9.68A.040)  
27 Vehicular Homicide, by being under  
28 the influence of intoxicating liquor  
29 or any drug (RCW 46.61.520)  
30 VIII Arson 1 (RCW 9A.48.020)  
31 Failure to Register as a Sex Offender  
32 (one prior felony conviction under  
33 RCW 9A.44.130(10)(a)) (RCW  
34 9A.44.130(10)(a)(ii))

1 Homicide by Watercraft, by the  
2 operation of any vessel in a  
3 reckless manner (RCW  
4 79A.60.050)  
5 Manslaughter 2 (RCW 9A.32.070)  
6 Promoting Prostitution 1 (RCW  
7 9A.88.070)  
8 Theft of Ammonia (RCW 69.55.010)  
9 Vehicular Homicide, by the operation  
10 of any vehicle in a reckless  
11 manner (RCW 46.61.520)  
12 VII Burglary 1 (RCW 9A.52.020)  
13 Child Molestation 2 (RCW 9A.44.086)  
14 Civil Disorder Training (RCW  
15 9A.48.120)  
16 Dealing in depictions of minor  
17 engaged in sexually explicit  
18 conduct (RCW 9.68A.050)  
19 Drive-by Shooting (RCW 9A.36.045)  
20 Homicide by Watercraft, by disregard  
21 for the safety of others (RCW  
22 79A.60.050)  
23 Indecent Liberties (without forcible  
24 compulsion) (RCW 9A.44.100(1)  
25 (b) and (c))  
26 Introducing Contraband 1 (RCW  
27 9A.76.140)  
28 Malicious placement of an explosive 3  
29 (RCW 70.74.270(3))  
30 Negligently Causing Death By Use of  
31 a Signal Preemption Device  
32 (RCW 46.37.675)  
33 Sending, bringing into state depictions  
34 of minor engaged in sexually  
35 explicit conduct (RCW  
36 9.68A.060)



1 Unlawful Possession of a Firearm in  
2 the first degree (RCW  
3 9.41.040(1))  
4 Use of a Machine Gun in Commission  
5 of a Felony (RCW 9.41.225)  
6 Vehicular Homicide, by disregard for  
7 the safety of others (RCW  
8 46.61.520)  
9 VI Bail Jumping with Murder 1 (RCW  
10 9A.76.170(3)(a))  
11 Bribery (RCW 9A.68.010)  
12 Incest 1 (RCW 9A.64.020(1))  
13 Intimidating a Judge (RCW  
14 9A.72.160)  
15 Intimidating a Juror/Witness (RCW  
16 9A.72.110, 9A.72.130)  
17 Malicious placement of an imitation  
18 device 2 (RCW 70.74.272(1)(b))  
19 Rape of a Child 3 (RCW 9A.44.079)  
20 Theft of a Firearm (RCW 9A.56.300)  
21 Unlawful Storage of Ammonia (RCW  
22 69.55.020)  
23 V Abandonment of dependent person 1  
24 (RCW 9A.42.060)  
25 Advancing money or property for  
26 extortionate extension of credit  
27 (RCW 9A.82.030)  
28 Bail Jumping with class A Felony  
29 (RCW 9A.76.170(3)(b))  
30 Child Molestation 3 (RCW 9A.44.089)  
31 Criminal Mistreatment 1 (RCW  
32 9A.42.020)  
33 Custodial Sexual Misconduct 1 (RCW  
34 9A.44.160)

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

1 Bribing a Witness/Bribe Received by  
2 Witness (RCW 9A.72.090,  
3 9A.72.100)  
4 Cheating 1 (RCW 9A.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 Failure to Register as a Sex Offender  
12 (no prior felony convictions under  
13 RCW 9A.44.130(10)(a)) (RCW  
14 9A.44.130(10)(a)(ii))  
15 Hit and Run--Injury (RCW  
16 46.52.020(4)(b))  
17 Hit and Run with Vessel--Injury  
18 Accident (RCW 79A.60.200(3))  
19 Identity Theft 1 (RCW 9.35.020(2))  
20 Indecent Exposure to Person Under  
21 Age Fourteen (subsequent sex  
22 offense) (RCW 9A.88.010)  
23 Influencing Outcome of Sporting  
24 Event (RCW 9A.82.070)  
25 Malicious Harassment (RCW  
26 9A.36.080)  
27 Residential Burglary (RCW  
28 9A.52.025)  
29 Robbery 2 (RCW 9A.56.210)  
30 Theft of Livestock 1 (RCW 9A.56.080)  
31 Threats to Bomb (RCW 9.61.160)  
32 Trafficking in Stolen Property 1 (RCW  
33 9A.82.050)  
34 Unlawful factoring of a credit card or  
35 payment card transaction (RCW  
36 9A.56.290(4)(b))

1 Unlawful transaction of health  
2 coverage as a health care service  
3 contractor (RCW 48.44.016(3))  
4 Unlawful transaction of health  
5 coverage as a health maintenance  
6 organization (RCW 48.46.033(3))  
7 Unlawful transaction of insurance  
8 business (RCW 48.15.023(3))  
9 Unlicensed practice as an insurance  
10 professional (RCW 48.17.063(3))  
11 Use of Proceeds of Criminal  
12 Profiteering (RCW 9A.82.080 (1)  
13 and (2))  
14 Vehicular Assault, by being under the  
15 influence of intoxicating liquor or  
16 any drug, or by the operation or  
17 driving of a vehicle in a reckless  
18 manner (RCW 46.61.522)  
19 Willful Failure to Return from  
20 Furlough (RCW 72.66.060)  
21 III Abandonment of dependent person 2  
22 (RCW 9A.42.070)  
23 Assault 3 (Except Assault 3 of a Peace  
24 Officer With a Projectile Stun  
25 Gun) (RCW 9A.36.031 except  
26 subsection (1)(h))  
27 Assault of a Child 3 (RCW 9A.36.140)  
28 Bail Jumping with class B or C Felony  
29 (RCW 9A.76.170(3)(c))  
30 Burglary 2 (RCW 9A.52.030)  
31 Communication with a Minor for  
32 Immoral Purposes (RCW  
33 9.68A.090)  
34 Criminal Gang Intimidation (RCW  
35 9A.46.120)  
36 Criminal Mistreatment 2 (RCW  
37 9A.42.030)

1 Custodial Assault (RCW 9A.36.100)  
2 Cyberstalking (subsequent conviction  
3 or threat of death) (RCW  
4 9.61.260(3))  
5 Escape 2 (RCW 9A.76.120)  
6 Extortion 2 (RCW 9A.56.130)  
7 Harassment (RCW 9A.46.020)  
8 Intimidating a Public Servant (RCW  
9 9A.76.180)  
10 Introducing Contraband 2 (RCW  
11 9A.76.150)  
12 Malicious Injury to Railroad Property  
13 (RCW 81.60.070)  
14 Negligently Causing Substantial Bodily  
15 Harm By Use of a Signal  
16 Preemption Device (RCW  
17 46.37.674)  
18 Patronizing a Juvenile Prostitute  
19 (RCW 9.68A.100)  
20 Perjury 2 (RCW 9A.72.030)  
21 Possession of Incendiary Device (RCW  
22 9.40.120)  
23 Possession of Machine Gun or Short-  
24 Barreled Shotgun or Rifle (RCW  
25 9.41.190)  
26 Promoting Prostitution 2 (RCW  
27 9A.88.080)  
28 Securities Act violation (RCW  
29 21.20.400)  
30 Tampering with a Witness (RCW  
31 9A.72.120)  
32 Telephone Harassment (subsequent  
33 conviction or threat of death)  
34 (RCW 9.61.230(2))  
35 Theft of Livestock 2 (RCW 9A.56.083)  
36 Trafficking in Stolen Property 2 (RCW  
37 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 Theft 1 (RCW 9A.56.030)  
26 Theft of Rental, Leased, or Lease-  
27 purchased Property (valued at one  
28 thousand five hundred dollars or  
29 more) (RCW 9A.56.096(5)(a))  
30 Trafficking in Insurance Claims (RCW  
31 48.30A.015)  
32 Unlawful factoring of a credit card or  
33 payment card transaction (RCW  
34 9A.56.290(4)(a))  
35 Unlawful Practice of Law (RCW  
36 2.48.180)

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

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

11 NEW SECTION. **Sec. 4.** Section 1 of this act expires September 1,  
12 2006.

13 NEW SECTION. **Sec. 5.** Except for section 2 of this act which takes  
14 effect September 1, 2006, this act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and takes effect  
17 immediately.

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