
SECOND SUBSTITUTE SENATE BILL 6319

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Regala, Brandland, Stevens, Kline, Weinstein, Doumit, Carrell, Keiser, Rockefeller, Berkey, Haugen, Fairley, Spanel, Pflug, Sheldon, Rasmussen, McAuliffe, Shin, Roach and Benton)

READ FIRST TIME 02/7/06.

1 AN ACT Relating to failure to register as a sex offender; amending
2 RCW 9A.44.130, 9.94A.545, and 9.94A.715; reenacting and amending RCW
3 9A.44.130 and 9.94A.515; creating new sections; prescribing penalties;
4 providing an effective date; and providing an expiration date.

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

1 individual was convicted was a felony kidnapping offense as defined in
2 subsection (9)(b) of this section or a federal or out-of-state
3 conviction for an offense that under the laws of this state would be a
4 felony kidnapping offense as defined in subsection (9)(b) of this
5 section.

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

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

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

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

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

36 (ii) Who is admitted to a public or private institution of higher
37 education shall, within ten days of enrolling or by the first business

1 day after arriving at the institution, whichever is earlier, notify the
2 sheriff for the county of the person's residence of the person's intent
3 to attend the institution;

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

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

14 (c) Persons required to register under this section who are
15 enrolled in a public or private institution of higher education on June
16 11, 1998, or a public or private school regulated under Title 28A RCW
17 or chapter 72.40 RCW on September 1, 2006, must notify the county
18 sheriff immediately.

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

23 (e)(i) A principal receiving notice under this subsection must
24 disclose the information received from the sheriff under (b) of this
25 subsection as follows:

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

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

37 (ii) Any information received by a principal or school personnel
38 under this subsection is confidential and may not be further

1 disseminated except as provided in RCW 28A.225.330, other statutes or
2 case law, and the family and educational and privacy rights act of
3 1994, 20 U.S.C. Sec. 1232g et seq.

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

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

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

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

22 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
23 offense on, before, or after February 28, 1990, and who, on or after
24 July 28, 1991, are in custody, as a result of that offense, of the
25 state department of corrections, the state department of social and
26 health services, a local division of youth services, or a local jail or
27 juvenile detention facility, and (B) kidnapping offenders who on or
28 after July 27, 1997, are in custody of the state department of
29 corrections, the state department of social and health services, a
30 local division of youth services, or a local jail or juvenile detention
31 facility, must register at the time of release from custody with an
32 official designated by the agency that has jurisdiction over the
33 offender. The agency shall within three days forward the registration
34 information to the county sheriff for the county of the offender's
35 anticipated residence. The offender must also register within twenty-
36 four hours from the time of release with the county sheriff for the
37 county of the person's residence, or if the person is not a resident of
38 Washington, the county of the person's school, or place of employment

1 or vocation. The agency that has jurisdiction over the offender shall
2 provide notice to the offender of the duty to register. Failure to
3 register at the time of release and within twenty-four hours of release
4 constitutes a violation of this section and is punishable as provided
5 in subsection (10) of this section.

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

16 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
17 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
18 but are under the jurisdiction of the indeterminate sentence review
19 board or under the department of corrections' active supervision, as
20 defined by the department of corrections, the state department of
21 social and health services, or a local division of youth services, for
22 sex offenses committed before, on, or after February 28, 1990, must
23 register within ten days of July 28, 1991. Kidnapping offenders who,
24 on July 27, 1997, are not in custody but are under the jurisdiction of
25 the indeterminate sentence review board or under the department of
26 corrections' active supervision, as defined by the department of
27 corrections, the state department of social and health services, or a
28 local division of youth services, for kidnapping offenses committed
29 before, on, or after July 27, 1997, must register within ten days of
30 July 27, 1997. A change in supervision status of a sex offender who
31 was required to register under this subsection (4)(a)(ii) as of July
32 28, 1991, or a kidnapping offender required to register as of July 27,
33 1997, shall not relieve the offender of the duty to register or to
34 reregister following a change in residence. The obligation to register
35 shall only cease pursuant to RCW 9A.44.140.

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

1 States bureau of prisons or other federal or military correctional
2 agency for sex offenses committed before, on, or after February 28,
3 1990, or kidnapping offenses committed on, before, or after July 27,
4 1997, must register within twenty-four hours from the time of release
5 with the county sheriff for the county of the person's residence, or if
6 the person is not a resident of Washington, the county of the person's
7 school, or place of employment or vocation. Sex offenders who, on July
8 23, 1995, are not in custody but are under the jurisdiction of the
9 United States bureau of prisons, United States courts, United States
10 parole commission, or military parole board for sex offenses committed
11 before, on, or after February 28, 1990, must register within ten days
12 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
13 in custody but are under the jurisdiction of the United States bureau
14 of prisons, United States courts, United States parole commission, or
15 military parole board for kidnapping offenses committed before, on, or
16 after July 27, 1997, must register within ten days of July 27, 1997.
17 A change in supervision status of a sex offender who was required to
18 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
19 kidnapping offender required to register as of July 27, 1997 shall not
20 relieve the offender of the duty to register or to reregister following
21 a change in residence, or if the person is not a resident of
22 Washington, the county of the person's school, or place of employment
23 or vocation. The obligation to register shall only cease pursuant to
24 RCW 9A.44.140.

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

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

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

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

1 release, or of receiving notice, constitutes a violation of this
2 section and is punishable as provided in subsection (10) of this
3 section.

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

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

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

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

30 (c) An arrest on charges of failure to register, service of an
31 information, or a complaint for a violation of this section, or
32 arraignment on charges for a violation of this section, constitutes
33 actual notice of the duty to register. Any person charged with the
34 crime of failure to register under this section who asserts as a
35 defense the lack of notice of the duty to register shall register
36 immediately following actual notice of the duty through arrest,
37 service, or arraignment. Failure to register as required under this
38 subsection (4)(c) constitutes grounds for filing another charge of

1 failing to register. Registering following arrest, service, or
2 arraignment on charges shall not relieve the offender from criminal
3 liability for failure to register prior to the filing of the original
4 charge.

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

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

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

33 (6)(a) Any person required to register under this section who lacks
34 a fixed residence shall provide written notice to the sheriff of the
35 county where he or she last registered within forty-eight hours
36 excluding weekends and holidays after ceasing to have a fixed
37 residence. The notice shall include the information required by
38 subsection (3)(b) of this section, except the photograph and

1 fingerprints. The county sheriff may, for reasonable cause, require
2 the offender to provide a photograph and fingerprints. The sheriff
3 shall forward this information to the sheriff of the county in which
4 the person intends to reside, if the person intends to reside in
5 another county.

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

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

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

1 residence and to the state patrol within five days of the entry of the
2 order.

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

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

7 (a) "Sex offense" means:

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

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

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

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

16 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
17 criminal attempt, criminal solicitation, or criminal conspiracy to
18 commit an offense that is classified as a sex offense under RCW
19 9.94A.030 or this subsection.

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

30 (c) "Employed" or "carries on a vocation" means employment that is
31 full-time or part-time for a period of time exceeding fourteen days, or
32 for an aggregate period of time exceeding thirty days during any
33 calendar year. A person is employed or carries on a vocation whether
34 the person's employment is financially compensated, volunteered, or for
35 the purpose of government or educational benefit.

36 (d) "Student" means a person who is enrolled, on a full-time or
37 part-time basis, in any public or private educational institution. An

1 educational institution includes any secondary school, trade or
2 professional institution, or institution of higher education.

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

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

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

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

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

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

34 TABLE 2

CRIMES INCLUDED WITHIN

EACH SERIOUSNESS LEVEL

- 1
2
3 XVI Aggravated Murder 1 (RCW
4 10.95.020)
5 XV Homicide by abuse (RCW 9A.32.055)
6 Malicious explosion 1 (RCW
7 70.74.280(1))
8 Murder 1 (RCW 9A.32.030)
9 XIV Murder 2 (RCW 9A.32.050)
10 Trafficking 1 (RCW 9A.40.100(1))
11 XIII Malicious explosion 2 (RCW
12 70.74.280(2))
13 Malicious placement of an explosive 1
14 (RCW 70.74.270(1))
15 XII Assault 1 (RCW 9A.36.011)
16 Assault of a Child 1 (RCW 9A.36.120)
17 Malicious placement of an imitation
18 device 1 (RCW 70.74.272(1)(a))
19 Rape 1 (RCW 9A.44.040)
20 Rape of a Child 1 (RCW 9A.44.073)
21 Trafficking 2 (RCW 9A.40.100(2))
22 XI Manslaughter 1 (RCW 9A.32.060)
23 Rape 2 (RCW 9A.44.050)
24 Rape of a Child 2 (RCW 9A.44.076)
25 X Child Molestation 1 (RCW 9A.44.083)
26 Indecent Liberties (with forcible
27 compulsion) (RCW
28 9A.44.100(1)(a))
29 Kidnapping 1 (RCW 9A.40.020)
30 Leading Organized Crime (RCW
31 9A.82.060(1)(a))
32 Malicious explosion 3 (RCW
33 70.74.280(3))
34 Sexually Violent Predator Escape
35 (RCW 9A.76.115)
36 IX Assault of a Child 2 (RCW 9A.36.130)

1 Explosive devices prohibited (RCW
2 70.74.180)
3 Hit and Run--Death (RCW
4 46.52.020(4)(a))
5 Homicide by Watercraft, by being
6 under the influence of intoxicating
7 liquor or any drug (RCW
8 79A.60.050)
9 Inciting Criminal Profiteering (RCW
10 9A.82.060(1)(b))
11 Malicious placement of an explosive 2
12 (RCW 70.74.270(2))
13 Robbery 1 (RCW 9A.56.200)
14 Sexual Exploitation (RCW 9.68A.040)
15 Vehicular Homicide, by being under
16 the influence of intoxicating liquor
17 or any drug (RCW 46.61.520)
18 VIII Arson 1 (RCW 9A.48.020)
19 Homicide by Watercraft, by the
20 operation of any vessel in a
21 reckless manner (RCW
22 79A.60.050)
23 Manslaughter 2 (RCW 9A.32.070)
24 Promoting Prostitution 1 (RCW
25 9A.88.070)
26 Theft of Ammonia (RCW 69.55.010)
27 Vehicular Homicide, by the operation
28 of any vehicle in a reckless
29 manner (RCW 46.61.520)
30 VII Burglary 1 (RCW 9A.52.020)
31 Child Molestation 2 (RCW 9A.44.086)
32 Civil Disorder Training (RCW
33 9A.48.120)
34 Dealing in depictions of minor
35 engaged in sexually explicit
36 conduct (RCW 9.68A.050)
37 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)
4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))
7 Introducing Contraband 1 (RCW
8 9A.76.140)
9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))
11 Negligently Causing Death By Use of
12 a Signal Preemption Device
13 (RCW 46.37.675)
14 Sending, bringing into state depictions
15 of minor engaged in sexually
16 explicit conduct (RCW
17 9.68A.060)
18 Unlawful Possession of a Firearm in
19 the first degree (RCW
20 9.41.040(1))
21 Use of a Machine Gun in Commission
22 of a Felony (RCW 9.41.225)
23 Vehicular Homicide, by disregard for
24 the safety of others (RCW
25 46.61.520)
26 VI Bail Jumping with Murder 1 (RCW
27 9A.76.170(3)(a))
28 Bribery (RCW 9A.68.010)
29 Incest 1 (RCW 9A.64.020(1))
30 Intimidating a Judge (RCW
31 9A.72.160)
32 Intimidating a Juror/Witness (RCW
33 9A.72.110, 9A.72.130)
34 Malicious placement of an imitation
35 device 2 (RCW 70.74.272(1)(b))
36 Rape of a Child 3 (RCW 9A.44.079)
37 Theft of a Firearm (RCW 9A.56.300)

1 Unlawful Storage of Ammonia (RCW
2 69.55.020)
3 V Abandonment of dependent person 1
4 (RCW 9A.42.060)
5 Advancing money or property for
6 extortionate extension of credit
7 (RCW 9A.82.030)
8 Bail Jumping with class A Felony
9 (RCW 9A.76.170(3)(b))
10 Child Molestation 3 (RCW 9A.44.089)
11 Criminal Mistreatment 1 (RCW
12 9A.42.020)
13 Custodial Sexual Misconduct 1 (RCW
14 9A.44.160)
15 Domestic Violence Court Order
16 Violation (RCW 10.99.040,
17 10.99.050, 26.09.300, 26.10.220,
18 26.26.138, 26.50.110, 26.52.070,
19 or 74.34.145)
20 Extortion 1 (RCW 9A.56.120)
21 Extortionate Extension of Credit
22 (RCW 9A.82.020)
23 Extortionate Means to Collect
24 Extensions of Credit (RCW
25 9A.82.040)
26 Incest 2 (RCW 9A.64.020(2))
27 Kidnapping 2 (RCW 9A.40.030)
28 Perjury 1 (RCW 9A.72.020)
29 Persistent prison misbehavior (RCW
30 9.94.070)
31 Possession of a Stolen Firearm (RCW
32 9A.56.310)
33 Rape 3 (RCW 9A.44.060)
34 Rendering Criminal Assistance 1
35 (RCW 9A.76.070)
36 Sexual Misconduct with a Minor 1
37 (RCW 9A.44.093)

1 Sexually Violating Human Remains
2 (RCW 9A.44.105)
3 Stalking (RCW 9A.46.110)
4 Taking Motor Vehicle Without
5 Permission 1 (RCW 9A.56.070)
6 IV Arson 2 (RCW 9A.48.030)
7 Assault 2 (RCW 9A.36.021)
8 Assault 3 (of a Peace Officer with a
9 Projectile Stun Gun) (RCW
10 9A.36.031(1)(h))
11 Assault by Watercraft (RCW
12 79A.60.060)
13 Bribing a Witness/Bribe Received by
14 Witness (RCW 9A.72.090,
15 9A.72.100)
16 Cheating 1 (RCW 9.46.1961)
17 Commercial Bribery (RCW
18 9A.68.060)
19 Counterfeiting (RCW 9.16.035(4))
20 Endangerment with a Controlled
21 Substance (RCW 9A.42.100)
22 Escape 1 (RCW 9A.76.110)
23 Hit and Run--Injury (RCW
24 46.52.020(4)(b))
25 Hit and Run with Vessel--Injury
26 Accident (RCW 79A.60.200(3))
27 Identity Theft 1 (RCW 9.35.020(2))
28 Indecent Exposure to Person Under
29 Age Fourteen (subsequent sex
30 offense) (RCW 9A.88.010)
31 Influencing Outcome of Sporting
32 Event (RCW 9A.82.070)
33 Malicious Harassment (RCW
34 9A.36.080)
35 Residential Burglary (RCW
36 9A.52.025)
37 Robbery 2 (RCW 9A.56.210)

1 Theft of Livestock 1 (RCW 9A.56.080)
2 Threats to Bomb (RCW 9.61.160)
3 Trafficking in Stolen Property 1 (RCW
4 9A.82.050)
5 Unlawful factoring of a credit card or
6 payment card transaction (RCW
7 9A.56.290(4)(b))
8 Unlawful transaction of health
9 coverage as a health care service
10 contractor (RCW 48.44.016(3))
11 Unlawful transaction of health
12 coverage as a health maintenance
13 organization (RCW 48.46.033(3))
14 Unlawful transaction of insurance
15 business (RCW 48.15.023(3))
16 Unlicensed practice as an insurance
17 professional (RCW 48.17.063(3))
18 Use of Proceeds of Criminal
19 Profiteering (RCW 9A.82.080 (1)
20 and (2))
21 Vehicular Assault, by being under the
22 influence of intoxicating liquor or
23 any drug, or by the operation or
24 driving of a vehicle in a reckless
25 manner (RCW 46.61.522)
26 Willful Failure to Return from
27 Furlough (RCW 72.66.060)
28 III Abandonment of dependent person 2
29 (RCW 9A.42.070)
30 Assault 3 (Except Assault 3 of a Peace
31 Officer With a Projectile Stun
32 Gun) (RCW 9A.36.031 except
33 subsection (1)(h))
34 Assault of a Child 3 (RCW 9A.36.140)
35 Bail Jumping with class B or C Felony
36 (RCW 9A.76.170(3)(c))
37 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for
2 Immoral Purposes (RCW
3 9.68A.090)
4 Criminal Gang Intimidation (RCW
5 9A.46.120)
6 Criminal Mistreatment 2 (RCW
7 9A.42.030)
8 Custodial Assault (RCW 9A.36.100)
9 Cyberstalking (subsequent conviction
10 or threat of death) (RCW
11 9.61.260(3))
12 Escape 2 (RCW 9A.76.120)
13 Extortion 2 (RCW 9A.56.130)
14 Harassment (RCW 9A.46.020)
15 Intimidating a Public Servant (RCW
16 9A.76.180)
17 Introducing Contraband 2 (RCW
18 9A.76.150)
19 Malicious Injury to Railroad Property
20 (RCW 81.60.070)
21 Negligently Causing Substantial Bodily
22 Harm By Use of a Signal
23 Preemption Device (RCW
24 46.37.674)
25 Patronizing a Juvenile Prostitute
26 (RCW 9.68A.100)
27 Perjury 2 (RCW 9A.72.030)
28 Possession of Incendiary Device (RCW
29 9.40.120)
30 Possession of Machine Gun or Short-
31 Barreled Shotgun or Rifle (RCW
32 9.41.190)
33 Promoting Prostitution 2 (RCW
34 9A.88.080)
35 Securities Act violation (RCW
36 21.20.400)

1 Tampering with a Witness (RCW
2 9A.72.120)
3 Telephone Harassment (subsequent
4 conviction or threat of death)
5 (RCW 9.61.230(2))
6 Theft of Livestock 2 (RCW 9A.56.083)
7 Trafficking in Stolen Property 2 (RCW
8 9A.82.055)
9 Unlawful Imprisonment (RCW
10 9A.40.040)
11 Unlawful possession of firearm in the
12 second degree (RCW 9.41.040(2))
13 Vehicular Assault, by the operation or
14 driving of a vehicle with disregard
15 for the safety of others (RCW
16 46.61.522)
17 Willful Failure to Return from Work
18 Release (RCW 72.65.070)
19 II Computer Trespass 1 (RCW
20 9A.52.110)
21 Counterfeiting (RCW 9.16.035(3))
22 Escape from Community Custody
23 (RCW 72.09.310)
24 Health Care False Claims (RCW
25 48.80.030)
26 Identity Theft 2 (RCW 9.35.020(3))
27 Improperly Obtaining Financial
28 Information (RCW 9.35.010)
29 Malicious Mischief 1 (RCW
30 9A.48.070)
31 Possession of Stolen Property 1 (RCW
32 9A.56.150)
33 Failure to Register as a Sex Offender
34 (second or subsequent offense)
35 (RCW 9A.44.130(10)(a))
36 Theft 1 (RCW 9A.56.030)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at one
3 thousand five hundred dollars or
4 more) (RCW 9A.56.096(5)(a))
5 Trafficking in Insurance Claims (RCW
6 48.30A.015)
7 Unlawful factoring of a credit card or
8 payment card transaction (RCW
9 9A.56.290(4)(a))
10 Unlawful Practice of Law (RCW
11 2.48.180)
12 Unlicensed Practice of a Profession or
13 Business (RCW 18.130.190(7))
14 I Attempting to Elude a Pursuing Police
15 Vehicle (RCW 46.61.024)
16 False Verification for Welfare (RCW
17 74.08.055)
18 Forgery (RCW 9A.60.020)
19 Fraudulent Creation or Revocation of a
20 Mental Health Advance Directive
21 (RCW 9A.60.060)
22 Malicious Mischief 2 (RCW
23 9A.48.080)
24 Mineral Trespass (RCW 78.44.330)
25 Possession of Stolen Property 2 (RCW
26 9A.56.160)
27 Reckless Burning 1 (RCW 9A.48.040)
28 Taking Motor Vehicle Without
29 Permission 2 (RCW 9A.56.075)
30 Theft 2 (RCW 9A.56.040)
31 Theft of Rental, Leased, or Lease-
32 purchased Property (valued at two
33 hundred fifty dollars or more but
34 less than one thousand five
35 hundred dollars) (RCW
36 9A.56.096(5)(b))

1 Transaction of insurance business
2 beyond the scope of licensure
3 (RCW 48.17.063(4))
4 Unlawful Issuance of Checks or Drafts
5 (RCW 9A.56.060)
6 Unlawful Possession of Fictitious
7 Identification (RCW 9A.56.320)
8 Unlawful Possession of Instruments of
9 Financial Fraud (RCW
10 9A.56.320)
11 Unlawful Possession of Payment
12 Instruments (RCW 9A.56.320)
13 Unlawful Possession of a Personal
14 Identification Device (RCW
15 9A.56.320)
16 Unlawful Production of Payment
17 Instruments (RCW 9A.56.320)
18 Unlawful Trafficking in Food Stamps
19 (RCW 9.91.142)
20 Unlawful Use of Food Stamps (RCW
21 9.91.144)
22 Vehicle Prowl 1 (RCW 9A.52.095)

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

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

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

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

6 (1) When a court sentences a person to the custody of the
7 department for a sex offense not sentenced under RCW 9.94A.712, a
8 violent offense, any crime against persons under RCW 9.94A.411(2), or
9 a felony offense under chapter 69.50 or 69.52 RCW, committed on or
10 after July 1, 2000, or when a court sentences a person to a term of
11 confinement of one year or less for a violation of RCW 9A.44.130(10)(a)
12 committed on or after the effective date of this act, the court shall
13 in addition to the other terms of the sentence, sentence the offender
14 to community custody for the community custody range established under
15 RCW 9.94A.850 or up to the period of earned release awarded pursuant to
16 RCW 9.94A.728 (1) and (2), whichever is longer. The community custody
17 shall begin: (a) Upon completion of the term of confinement; (b) at
18 such time as the offender is transferred to community custody in lieu
19 of earned release in accordance with RCW 9.94A.728 (1) and (2); or (c)
20 with regard to offenders sentenced under RCW 9.94A.660, upon failure to
21 complete or administrative termination from the special drug offender
22 sentencing alternative program. Except as provided in RCW 9.94A.501,
23 the department shall supervise any sentence of community custody
24 imposed under this section.

25 (2)(a) Unless a condition is waived by the court, the conditions of
26 community custody shall include those provided for in RCW 9.94A.700(4).
27 The conditions may also include those provided for in RCW 9.94A.700(5).
28 The court may also order the offender to participate in rehabilitative
29 programs or otherwise perform affirmative conduct reasonably related to
30 the circumstances of the offense, the offender's risk of reoffending,
31 or the safety of the community, and the department shall enforce such
32 conditions pursuant to subsection (6) of this section.

33 (b) As part of any sentence that includes a term of community
34 custody imposed under this subsection, the court shall also require the
35 offender to comply with any conditions imposed by the department under
36 RCW 9.94A.720. The department shall assess the offender's risk of
37 reoffense and may establish and modify additional conditions of the

1 offender's community custody based upon the risk to community safety.
2 In addition, the department may require the offender to participate in
3 rehabilitative programs, or otherwise perform affirmative conduct, and
4 to obey all laws.

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

11 (3) If an offender violates conditions imposed by the court or the
12 department pursuant to this section during community custody, the
13 department may transfer the offender to a more restrictive confinement
14 status and impose other available sanctions as provided in RCW
15 9.94A.737 and 9.94A.740.

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

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

35 (6) Within the funds available for community custody, the
36 department shall determine conditions and duration of community custody
37 on the basis of risk to community safety, and shall supervise offenders

1 during community custody on the basis of risk to community safety and
2 conditions imposed by the court. The secretary shall adopt rules to
3 implement the provisions of this subsection.

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

11 NEW SECTION. **Sec. 6.** Section 1 of this act expires September 1,
12 2006.

13 NEW SECTION. **Sec. 7.** Section 2 of this act takes effect September
14 1, 2006.

15 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
16 section 3 of this act, referencing this act and section 3 of this act
17 by bill or chapter number and section number, is not provided by June
18 30, 2006, in the omnibus appropriations act, section 3 of this act is
19 null and void.

20 NEW SECTION. **Sec. 9.** If specific funding for the purposes of
21 section 4 of this act, referencing this act and section 4 of this act
22 by bill or chapter number and section number, is not provided by June
23 30, 2006, in the omnibus appropriations act, section 4 of this act is
24 null and void.

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