

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6775

Chapter 125, Laws of 2006

59th Legislature
2006 Regular Session

CRIMINAL TRESPASS AGAINST CHILDREN

EFFECTIVE DATE: 3/20/06

Passed by the Senate March 7, 2006
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 2006
YEAS 91 NAYS 7

FRANK CHOPP

Speaker of the House of Representatives

Approved March 20, 2006.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6775** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 20, 2006 - 11:16 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6775

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Rasmussen and McAuliffe; by request of Attorney General)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to criminal trespass against children by sex
2 offenders; reenacting and amending RCW 9.94A.515; adding new sections
3 to chapter 9A.44 RCW; creating a new section; prescribing penalties;
4 and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to give
7 public and private entities that provide services to children the tools
8 necessary to prevent convicted child sex offenders from contacting
9 children when those children are within the legal boundaries of the
10 covered public and private entities.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.44 RCW
12 to read as follows:

13 As used in this section and sections 3 and 4 of this act:

14 (1) "Covered entity" means any public facility or private facility
15 whose primary purpose, at any time, is to provide for the education,
16 care, or recreation of a child or children, including but not limited
17 to community and recreational centers, playgrounds, schools, swimming
18 pools, and state or municipal parks.

1 (2) "Child" means a person under the age of eighteen, unless the
2 context clearly indicates that the term is otherwise defined in
3 statute.

4 (3) "Public facility" means a facility operated by a unit of local
5 or state government, or by a nonprofit organization.

6 (4) "Schools" means public and private schools, but does not
7 include home-based instruction as defined in RCW 28A.225.010.

8 (5) "Covered offender" means a person who is eighteen years of age
9 or older, who is not under the jurisdiction of the juvenile
10 rehabilitation authority or currently serving a special sex offender
11 disposition alternative, whose risk level classification has been
12 assessed at a risk level II or a risk level III pursuant to RCW
13 72.09.345, and who, at any time, has been convicted of one or more of
14 the following offenses:

15 (a) Rape of a child in the first, second, and third degree; child
16 molestation in the first, second, and third degree; indecent liberties
17 against a child under age fifteen; sexual misconduct with a minor in
18 the first and second degree; incest in the first and second degree;
19 luring with sexual motivation; possession of depictions of minors
20 engaged in sexually explicit conduct; dealing in depictions of minors
21 engaged in sexually explicit conduct; bringing into the state
22 depictions of minors engaged in sexually explicit conduct; sexual
23 exploitation of a minor; communicating with a minor for immoral
24 purposes; patronizing a juvenile prostitute;

25 (b) Any felony in effect at any time prior to the effective date of
26 this act that is comparable to an offense listed in (a) of this
27 subsection, including, but not limited to, statutory rape in the first
28 and second degrees and carnal knowledge;

29 (c) Any felony offense for which:

30 (i) There was a finding that the offense was committed with sexual
31 motivation; and

32 (ii) The victim of the offense was less than sixteen years of age
33 at the time of the offense;

34 (d) An attempt, conspiracy, or solicitation to commit any of the
35 offenses listed in (a) through (c) of this subsection;

36 (e) Any conviction from any other jurisdiction which is comparable
37 to any of the offenses listed in (a) through (d) of this subsection.

1 XVI Aggravated Murder 1 (RCW
2 10.95.020)
3 XV Homicide by abuse (RCW 9A.32.055)
4 Malicious explosion 1 (RCW
5 70.74.280(1))
6 Murder 1 (RCW 9A.32.030)
7 XIV Murder 2 (RCW 9A.32.050)
8 Trafficking 1 (RCW 9A.40.100(1))
9 XIII Malicious explosion 2 (RCW
10 70.74.280(2))
11 Malicious placement of an explosive 1
12 (RCW 70.74.270(1))
13 XII Assault 1 (RCW 9A.36.011)
14 Assault of a Child 1 (RCW 9A.36.120)
15 Malicious placement of an imitation
16 device 1 (RCW 70.74.272(1)(a))
17 Rape 1 (RCW 9A.44.040)
18 Rape of a Child 1 (RCW 9A.44.073)
19 Trafficking 2 (RCW 9A.40.100(2))
20 XI Manslaughter 1 (RCW 9A.32.060)
21 Rape 2 (RCW 9A.44.050)
22 Rape of a Child 2 (RCW 9A.44.076)
23 X Child Molestation 1 (RCW 9A.44.083)
24 Indecent Liberties (with forcible
25 compulsion) (RCW
26 9A.44.100(1)(a))
27 Kidnapping 1 (RCW 9A.40.020)
28 Leading Organized Crime (RCW
29 9A.82.060(1)(a))
30 Malicious explosion 3 (RCW
31 70.74.280(3))
32 Sexually Violent Predator Escape
33 (RCW 9A.76.115)
34 IX Assault of a Child 2 (RCW 9A.36.130)
35 Explosive devices prohibited (RCW
36 70.74.180)

1 Hit and Run--Death (RCW
2 46.52.020(4)(a))
3 Homicide by Watercraft, by being
4 under the influence of intoxicating
5 liquor or any drug (RCW
6 79A.60.050)
7 Inciting Criminal Profiteering (RCW
8 9A.82.060(1)(b))
9 Malicious placement of an explosive 2
10 (RCW 70.74.270(2))
11 Robbery 1 (RCW 9A.56.200)
12 Sexual Exploitation (RCW 9.68A.040)
13 Vehicular Homicide, by being under
14 the influence of intoxicating liquor
15 or any drug (RCW 46.61.520)
16 VIII Arson 1 (RCW 9A.48.020)
17 Homicide by Watercraft, by the
18 operation of any vessel in a
19 reckless manner (RCW
20 79A.60.050)
21 Manslaughter 2 (RCW 9A.32.070)
22 Promoting Prostitution 1 (RCW
23 9A.88.070)
24 Theft of Ammonia (RCW 69.55.010)
25 Vehicular Homicide, by the operation
26 of any vehicle in a reckless
27 manner (RCW 46.61.520)
28 VII Burglary 1 (RCW 9A.52.020)
29 Child Molestation 2 (RCW 9A.44.086)
30 Civil Disorder Training (RCW
31 9A.48.120)
32 Dealing in depictions of minor
33 engaged in sexually explicit
34 conduct (RCW 9.68A.050)
35 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 Criminal Trespass Against Children
21 (second or subsequent offense)
22 (section 4 of this act)
23 Endangerment with a Controlled
24 Substance (RCW 9A.42.100)
25 Escape 1 (RCW 9A.76.110)
26 Hit and Run--Injury (RCW
27 46.52.020(4)(b))
28 Hit and Run with Vessel--Injury
29 Accident (RCW 79A.60.200(3))
30 Identity Theft 1 (RCW 9.35.020(2))
31 Indecent Exposure to Person Under
32 Age Fourteen (subsequent sex
33 offense) (RCW 9A.88.010)
34 Influencing Outcome of Sporting
35 Event (RCW 9A.82.070)
36 Malicious Harassment (RCW
37 9A.36.080)

1 Residential Burglary (RCW
2 9A.52.025)
3 Robbery 2 (RCW 9A.56.210)
4 Theft of Livestock 1 (RCW 9A.56.080)
5 Threats to Bomb (RCW 9.61.160)
6 Trafficking in Stolen Property 1 (RCW
7 9A.82.050)
8 Unlawful factoring of a credit card or
9 payment card transaction (RCW
10 9A.56.290(4)(b))
11 Unlawful transaction of health
12 coverage as a health care service
13 contractor (RCW 48.44.016(3))
14 Unlawful transaction of health
15 coverage as a health maintenance
16 organization (RCW 48.46.033(3))
17 Unlawful transaction of insurance
18 business (RCW 48.15.023(3))
19 Unlicensed practice as an insurance
20 professional (RCW 48.17.063(3))
21 Use of Proceeds of Criminal
22 Profiteering (RCW 9A.82.080 (1)
23 and (2))
24 Vehicular Assault, by being under the
25 influence of intoxicating liquor or
26 any drug, or by the operation or
27 driving of a vehicle in a reckless
28 manner (RCW 46.61.522)
29 Willful Failure to Return from
30 Furlough (RCW 72.66.060)
31 III Abandonment of dependent person 2
32 (RCW 9A.42.070)
33 Assault 3 (Except Assault 3 of a Peace
34 Officer With a Projectile Stun
35 Gun) (RCW 9A.36.031 except
36 subsection (1)(h))
37 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony
2 (RCW 9A.76.170(3)(c))
3 Burglary 2 (RCW 9A.52.030)
4 Communication with a Minor for
5 Immoral Purposes (RCW
6 9.68A.090)
7 Criminal Gang Intimidation (RCW
8 9A.46.120)
9 Criminal Mistreatment 2 (RCW
10 9A.42.030)
11 Custodial Assault (RCW 9A.36.100)
12 Cyberstalking (subsequent conviction
13 or threat of death) (RCW
14 9.61.260(3))
15 Escape 2 (RCW 9A.76.120)
16 Extortion 2 (RCW 9A.56.130)
17 Harassment (RCW 9A.46.020)
18 Intimidating a Public Servant (RCW
19 9A.76.180)
20 Introducing Contraband 2 (RCW
21 9A.76.150)
22 Malicious Injury to Railroad Property
23 (RCW 81.60.070)
24 Negligently Causing Substantial Bodily
25 Harm By Use of a Signal
26 Preemption Device (RCW
27 46.37.674)
28 Patronizing a Juvenile Prostitute
29 (RCW 9.68A.100)
30 Perjury 2 (RCW 9A.72.030)
31 Possession of Incendiary Device (RCW
32 9.40.120)
33 Possession of Machine Gun or Short-
34 Barreled Shotgun or Rifle (RCW
35 9.41.190)
36 Promoting Prostitution 2 (RCW
37 9A.88.080)

1 Securities Act violation (RCW
2 21.20.400)
3 Tampering with a Witness (RCW
4 9A.72.120)
5 Telephone Harassment (subsequent
6 conviction or threat of death)
7 (RCW 9.61.230(2))
8 Theft of Livestock 2 (RCW 9A.56.083)
9 Trafficking in Stolen Property 2 (RCW
10 9A.82.055)
11 Unlawful Imprisonment (RCW
12 9A.40.040)
13 Unlawful possession of firearm in the
14 second degree (RCW 9.41.040(2))
15 Vehicular Assault, by the operation or
16 driving of a vehicle with disregard
17 for the safety of others (RCW
18 46.61.522)
19 Willful Failure to Return from Work
20 Release (RCW 72.65.070)
21 II Computer Trespass 1 (RCW
22 9A.52.110)
23 Counterfeiting (RCW 9.16.035(3))
24 Escape from Community Custody
25 (RCW 72.09.310)
26 Health Care False Claims (RCW
27 48.80.030)
28 Identity Theft 2 (RCW 9.35.020(3))
29 Improperly Obtaining Financial
30 Information (RCW 9.35.010)
31 Malicious Mischief 1 (RCW
32 9A.48.070)
33 Possession of Stolen Property 1 (RCW
34 9A.56.150)
35 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 NEW SECTION. **Sec. 6.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and takes effect
30 immediately.

Passed by the Senate March 7, 2006.
Passed by the House March 3, 2006.
Approved by the Governor March 20, 2006.
Filed in Office of Secretary of State March 20, 2006.