

2SHB 2714 - S AMD 326

By Senator Hargrove and Stevens

ADOPTED 03/11/2008

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

3 "Sec. 1. RCW 9A.44.130 and 2006 c 129 s 2, 2006 c 128 s 2, 2006 c
4 127 s 2, and 2006 c 126 s 2 are each reenacted and amended to read as
5 follows:

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

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

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

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

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

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

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

21 (d) The sheriff shall notify the school's principal or
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 (e)(i) A principal receiving notice under this subsection must
26 disclose the information received from the sheriff under (b) of this
27 subsection as follows:

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

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

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

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

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

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

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

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

1 county of the person's residence, or if the person is not a resident of
2 Washington, the county of the person's school, or place of employment
3 or vocation. The agency that has jurisdiction over the offender shall
4 provide notice to the offender of the duty to register. Failure to
5 register at the time of release and within twenty-four hours of release
6 constitutes a violation of this section and is punishable as provided
7 in subsection (11) of this section.

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

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

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

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

36 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
37 RESIDENTS. Sex offenders and kidnapping offenders who move to
38 Washington state from another state or a foreign country that are not

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

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

1 receiving notice of this registration requirement. The state
2 department of social and health services shall make reasonable attempts
3 within available resources to notify sex offenders who were released
4 before July 23, 1995, and kidnapping offenders who were released before
5 July 27, 1997. Failure to register within twenty-four hours of
6 release, or of receiving notice, constitutes a violation of this
7 section and is punishable as provided in subsection (11) of this
8 section.

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

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

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

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

35 (c) An arrest on charges of failure to register, service of an
36 information, or a complaint for a violation of this section, or
37 arraignment on charges for a violation of this section, constitutes
38 actual notice of the duty to register. Any person charged with the

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

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

13 (5)(a) If any person required to register pursuant to this section
14 changes his or her residence address within the same county, the person
15 must send signed written notice of the change of address to the county
16 sheriff within seventy-two hours of moving. If any person required to
17 register pursuant to this section moves to a new county, the person
18 must send signed written notice of the change of address at least
19 fourteen days before moving to the county sheriff in the new county of
20 residence and must register with that county sheriff within twenty-four
21 hours of moving. The person must also send signed written notice
22 within ten days of the change of address in the new county to the
23 county sheriff with whom the person last registered. The county
24 sheriff with whom the person last registered shall promptly forward the
25 information concerning the change of address to the county sheriff for
26 the county of the person's new residence. Upon receipt of notice of
27 change of address to a new state, the county sheriff shall promptly
28 forward the information regarding the change of address to the agency
29 designated by the new state as the state's offender registration
30 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 signed written notice to the sheriff of
3 the 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) All offenders who are required to register pursuant to this
31 section who have a fixed residence and who are designated as a risk
32 level II or III must report, in person, every ninety days to the
33 sheriff of the county where he or she is registered. Reporting shall
34 be on a day specified by the county sheriff's office, and shall occur
35 during normal business hours. An offender who complies with the
36 ninety-day reporting requirement with no violations for a period of at
37 least five years in the community may petition the superior court to be
38 relieved of the duty to report every ninety days. The petition shall

1 be made to the superior court in the county where the offender resides
2 or reports under this section. The prosecuting attorney of the county
3 shall be named and served as respondent in any such petition. The
4 court shall relieve the petitioner of the duty to report if the
5 petitioner shows, by a preponderance of the evidence, that the
6 petitioner has complied with the reporting requirement for a period of
7 at least five years and that the offender has not been convicted of a
8 criminal violation of this section for a period of at least five years,
9 and the court determines that the reporting no longer serves a public
10 safety purpose. Failure to report, as specified, constitutes a
11 violation of this section and is punishable as provided in subsection
12 (11) of this section.

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

29 (9) The county sheriff shall obtain a photograph of the individual
30 and shall obtain a copy of the individual's fingerprints. A photograph
31 may be taken at any time to update an individual's file.

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

34 (a) "Sex offense" means:

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

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

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

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

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

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

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

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

30 (11)(a) A person who knowingly fails to comply with any of the
31 requirements of this section is guilty of a class ((C)) B felony if the
32 crime for which the individual was convicted was a felony sex offense
33 as defined in subsection (10)(a) of this section or a federal or out-
34 of-state conviction for an offense that under the laws of this state
35 would be a felony sex offense as defined in subsection (10)(a) of this
36 section.

37 (b) If the crime for which the individual was convicted was other

1 than a felony or a federal or out-of-state conviction for an offense
2 that under the laws of this state would be other than a felony,
3 violation of this section is a gross misdemeanor.

4 (12)(a) A person who knowingly fails to comply with any of the
5 requirements of this section is guilty of a class C felony if the crime
6 for which the individual was convicted was a felony kidnapping offense
7 as defined in subsection (10)(b) of this section or a federal or out-
8 of-state conviction for an offense that under the laws of this state
9 would be a felony kidnapping offense as defined in subsection (10)(b)
10 of this section.

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

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

19 **Sec. 2.** RCW 9.94A.030 and 2006 c 139 s 5, 2006 c 124 s 1, 2006 c
20 122 s 7, 2006 c 73 s 5, and 2005 c 436 s 1 are each reenacted and
21 amended to read as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

24 (1) "Board" means the indeterminate sentence review board created
25 under chapter 9.95 RCW.

26 (2) "Collect," or any derivative thereof, "collect and remit," or
27 "collect and deliver," when used with reference to the department,
28 means that the department, either directly or through a collection
29 agreement authorized by RCW 9.94A.760, is responsible for monitoring
30 and enforcing the offender's sentence with regard to the legal
31 financial obligation, receiving payment thereof from the offender, and,
32 consistent with current law, delivering daily the entire payment to the
33 superior court clerk without depositing it in a departmental account.

34 (3) "Commission" means the sentencing guidelines commission.

35 (4) "Community corrections officer" means an employee of the
36 department who is responsible for carrying out specific duties in

1 supervision of sentenced offenders and monitoring of sentence
2 conditions.

3 (5) "Community custody" means that portion of an offender's
4 sentence of confinement in lieu of earned release time or imposed
5 pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670,
6 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the
7 community subject to controls placed on the offender's movement and
8 activities by the department. For offenders placed on community
9 custody for crimes committed on or after July 1, 2000, the department
10 shall assess the offender's risk of reoffense and may establish and
11 modify conditions of community custody, in addition to those imposed by
12 the court, based upon the risk to community safety.

13 (6) "Community custody range" means the minimum and maximum period
14 of community custody included as part of a sentence under RCW
15 9.94A.715, as established by the commission or the legislature under
16 RCW 9.94A.850, for crimes committed on or after July 1, 2000.

17 (7) "Community placement" means that period during which the
18 offender is subject to the conditions of community custody and/or
19 postrelease supervision, which begins either upon completion of the
20 term of confinement (postrelease supervision) or at such time as the
21 offender is transferred to community custody in lieu of earned release.
22 Community placement may consist of entirely community custody, entirely
23 postrelease supervision, or a combination of the two.

24 (8) "Community protection zone" means the area within eight hundred
25 eighty feet of the facilities and grounds of a public or private
26 school.

27 (9) "Community restitution" means compulsory service, without
28 compensation, performed for the benefit of the community by the
29 offender.

30 (10) "Community supervision" means a period of time during which a
31 convicted offender is subject to crime-related prohibitions and other
32 sentence conditions imposed by a court pursuant to this chapter or RCW
33 16.52.200(6) or 46.61.524. Where the court finds that any offender has
34 a chemical dependency that has contributed to his or her offense, the
35 conditions of supervision may, subject to available resources, include
36 treatment. For purposes of the interstate compact for out-of-state
37 supervision of parolees and probationers, RCW 9.95.270, community

1 supervision is the functional equivalent of probation and should be
2 considered the same as probation by other states.

3 (11) "Confinement" means total or partial confinement.

4 (12) "Conviction" means an adjudication of guilt pursuant to Titles
5 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
6 acceptance of a plea of guilty.

7 (13) "Crime-related prohibition" means an order of a court
8 prohibiting conduct that directly relates to the circumstances of the
9 crime for which the offender has been convicted, and shall not be
10 construed to mean orders directing an offender affirmatively to
11 participate in rehabilitative programs or to otherwise perform
12 affirmative conduct. However, affirmative acts necessary to monitor
13 compliance with the order of a court may be required by the department.

14 (14) "Criminal history" means the list of a defendant's prior
15 convictions and juvenile adjudications, whether in this state, in
16 federal court, or elsewhere.

17 (a) The history shall include, where known, for each conviction (i)
18 whether the defendant has been placed on probation and the length and
19 terms thereof; and (ii) whether the defendant has been incarcerated and
20 the length of incarceration.

21 (b) A conviction may be removed from a defendant's criminal history
22 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
23 a similar out-of-state statute, or if the conviction has been vacated
24 pursuant to a governor's pardon.

25 (c) The determination of a defendant's criminal history is distinct
26 from the determination of an offender score. A prior conviction that
27 was not included in an offender score calculated pursuant to a former
28 version of the sentencing reform act remains part of the defendant's
29 criminal history.

30 (15) "Day fine" means a fine imposed by the sentencing court that
31 equals the difference between the offender's net daily income and the
32 reasonable obligations that the offender has for the support of the
33 offender and any dependents.

34 (16) "Day reporting" means a program of enhanced supervision
35 designed to monitor the offender's daily activities and compliance with
36 sentence conditions, and in which the offender is required to report
37 daily to a specific location designated by the department or the
38 sentencing court.

1 (17) "Department" means the department of corrections.

2 (18) "Determinate sentence" means a sentence that states with
3 exactitude the number of actual years, months, or days of total
4 confinement, of partial confinement, of community supervision, the
5 number of actual hours or days of community restitution work, or
6 dollars or terms of a legal financial obligation. The fact that an
7 offender through earned release can reduce the actual period of
8 confinement shall not affect the classification of the sentence as a
9 determinate sentence.

10 (19) "Disposable earnings" means that part of the earnings of an
11 offender remaining after the deduction from those earnings of any
12 amount required by law to be withheld. For the purposes of this
13 definition, "earnings" means compensation paid or payable for personal
14 services, whether denominated as wages, salary, commission, bonuses, or
15 otherwise, and, notwithstanding any other provision of law making the
16 payments exempt from garnishment, attachment, or other process to
17 satisfy a court-ordered legal financial obligation, specifically
18 includes periodic payments pursuant to pension or retirement programs,
19 or insurance policies of any type, but does not include payments made
20 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
21 or Title 74 RCW.

22 (20) "Drug offender sentencing alternative" is a sentencing option
23 available to persons convicted of a felony offense other than a violent
24 offense or a sex offense and who are eligible for the option under RCW
25 9.94A.660.

26 (21) "Drug offense" means:

27 (a) Any felony violation of chapter 69.50 RCW except possession of
28 a controlled substance (RCW 69.50.4013) or forged prescription for a
29 controlled substance (RCW 69.50.403);

30 (b) Any offense defined as a felony under federal law that relates
31 to the possession, manufacture, distribution, or transportation of a
32 controlled substance; or

33 (c) Any out-of-state conviction for an offense that under the laws
34 of this state would be a felony classified as a drug offense under (a)
35 of this subsection.

36 (22) "Earned release" means earned release from confinement as
37 provided in RCW 9.94A.728.

38 (23) "Escape" means:

1 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
2 first degree (RCW 9A.76.110), escape in the second degree (RCW
3 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
4 willful failure to return from work release (RCW 72.65.070), or willful
5 failure to be available for supervision by the department while in
6 community custody (RCW 72.09.310); or

7 (b) Any federal or out-of-state conviction for an offense that
8 under the laws of this state would be a felony classified as an escape
9 under (a) of this subsection.

10 (24) "Felony traffic offense" means:

11 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
12 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
13 run injury-accident (RCW 46.52.020(4)), felony driving while under the
14 influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or
15 felony physical control of a vehicle while under the influence of
16 intoxicating liquor or any drug (RCW 46.61.504(6)); or

17 (b) Any federal or out-of-state conviction for an offense that
18 under the laws of this state would be a felony classified as a felony
19 traffic offense under (a) of this subsection.

20 (25) "Fine" means a specific sum of money ordered by the sentencing
21 court to be paid by the offender to the court over a specific period of
22 time.

23 (26) "First-time offender" means any person who has no prior
24 convictions for a felony and is eligible for the first-time offender
25 waiver under RCW 9.94A.650.

26 (27) "Home detention" means a program of partial confinement
27 available to offenders wherein the offender is confined in a private
28 residence subject to electronic surveillance.

29 (28) "Legal financial obligation" means a sum of money that is
30 ordered by a superior court of the state of Washington for legal
31 financial obligations which may include restitution to the victim,
32 statutorily imposed crime victims' compensation fees as assessed
33 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
34 court-appointed attorneys' fees, and costs of defense, fines, and any
35 other financial obligation that is assessed to the offender as a result
36 of a felony conviction. Upon conviction for vehicular assault while
37 under the influence of intoxicating liquor or any drug, RCW
38 46.61.522(1)(b), or vehicular homicide while under the influence of

1 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
2 obligations may also include payment to a public agency of the expense
3 of an emergency response to the incident resulting in the conviction,
4 subject to RCW 38.52.430.

5 (29) "Most serious offense" means any of the following felonies or
6 a felony attempt to commit any of the following felonies:

7 (a) Any felony defined under any law as a class A felony or
8 criminal solicitation of or criminal conspiracy to commit a class A
9 felony;

10 (b) Assault in the second degree;

11 (c) Assault of a child in the second degree;

12 (d) Child molestation in the second degree;

13 (e) Controlled substance homicide;

14 (f) Extortion in the first degree;

15 (g) Incest when committed against a child under age fourteen;

16 (h) Indecent liberties;

17 (i) Kidnapping in the second degree;

18 (j) Leading organized crime;

19 (k) Manslaughter in the first degree;

20 (l) Manslaughter in the second degree;

21 (m) Promoting prostitution in the first degree;

22 (n) Rape in the third degree;

23 (o) Robbery in the second degree;

24 (p) Sexual exploitation;

25 (q) Vehicular assault, when caused by the operation or driving of
26 a vehicle by a person while under the influence of intoxicating liquor
27 or any drug or by the operation or driving of a vehicle in a reckless
28 manner;

29 (r) Vehicular homicide, when proximately caused by the driving of
30 any vehicle by any person while under the influence of intoxicating
31 liquor or any drug as defined by RCW 46.61.502, or by the operation of
32 any vehicle in a reckless manner;

33 (s) Any other class B felony offense with a finding of sexual
34 motivation;

35 (t) Any other felony with a deadly weapon verdict under RCW
36 9.94A.602;

37 (u) Any felony offense in effect at any time prior to December 2,
38 1993, that is comparable to a most serious offense under this

1 subsection, or any federal or out-of-state conviction for an offense
2 that under the laws of this state would be a felony classified as a
3 most serious offense under this subsection;

4 (v)(i) A prior conviction for indecent liberties under RCW
5 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
6 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
7 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
8 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

9 (ii) A prior conviction for indecent liberties under RCW
10 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
11 if: (A) The crime was committed against a child under the age of
12 fourteen; or (B) the relationship between the victim and perpetrator is
13 included in the definition of indecent liberties under RCW
14 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
15 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
16 through July 27, 1997.

17 (30) "Nonviolent offense" means an offense which is not a violent
18 offense.

19 (31) "Offender" means a person who has committed a felony
20 established by state law and is eighteen years of age or older or is
21 less than eighteen years of age but whose case is under superior court
22 jurisdiction under RCW 13.04.030 or has been transferred by the
23 appropriate juvenile court to a criminal court pursuant to RCW
24 13.40.110. Throughout this chapter, the terms "offender" and
25 "defendant" are used interchangeably.

26 (32) "Partial confinement" means confinement for no more than one
27 year in a facility or institution operated or utilized under contract
28 by the state or any other unit of government, or, if home detention or
29 work crew has been ordered by the court, in an approved residence, for
30 a substantial portion of each day with the balance of the day spent in
31 the community. Partial confinement includes work release, home
32 detention, work crew, and a combination of work crew and home
33 detention.

34 (33) "Persistent offender" is an offender who:

35 (a)(i) Has been convicted in this state of any felony considered a
36 most serious offense; and

37 (ii) Has, before the commission of the offense under (a) of this
38 subsection, been convicted as an offender on at least two separate

1 occasions, whether in this state or elsewhere, of felonies that under
2 the laws of this state would be considered most serious offenses and
3 would be included in the offender score under RCW 9.94A.525; provided
4 that of the two or more previous convictions, at least one conviction
5 must have occurred before the commission of any of the other most
6 serious offenses for which the offender was previously convicted; or

7 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
8 of a child in the first degree, child molestation in the first degree,
9 rape in the second degree, rape of a child in the second degree, or
10 indecent liberties by forcible compulsion; (B) any of the following
11 offenses with a finding of sexual motivation: Murder in the first
12 degree, murder in the second degree, homicide by abuse, kidnapping in
13 the first degree, kidnapping in the second degree, assault in the first
14 degree, assault in the second degree, assault of a child in the first
15 degree, assault of a child in the second degree, or burglary in the
16 first degree; or (C) an attempt to commit any crime listed in this
17 subsection (33)(b)(i); and

18 (ii) Has, before the commission of the offense under (b)(i) of this
19 subsection, been convicted as an offender on at least one occasion,
20 whether in this state or elsewhere, of an offense listed in (b)(i) of
21 this subsection or any federal or out-of-state offense or offense under
22 prior Washington law that is comparable to the offenses listed in
23 (b)(i) of this subsection. A conviction for rape of a child in the
24 first degree constitutes a conviction under (b)(i) of this subsection
25 only when the offender was sixteen years of age or older when the
26 offender committed the offense. A conviction for rape of a child in
27 the second degree constitutes a conviction under (b)(i) of this
28 subsection only when the offender was eighteen years of age or older
29 when the offender committed the offense.

30 (34) "Postrelease supervision" is that portion of an offender's
31 community placement that is not community custody.

32 (35) "Predatory" means: (a) The perpetrator of the crime was a
33 stranger to the victim, as defined in this section; (b) the perpetrator
34 established or promoted a relationship with the victim prior to the
35 offense and the victimization of the victim was a significant reason
36 the perpetrator established or promoted the relationship; or (c) the
37 perpetrator was: (i) A teacher, counselor, volunteer, or other person
38 in authority in any public or private school and the victim was a

1 student of the school under his or her authority or supervision. For
2 purposes of this subsection, "school" does not include home-based
3 instruction as defined in RCW 28A.225.010; (ii) a coach, trainer,
4 volunteer, or other person in authority in any recreational activity
5 and the victim was a participant in the activity under his or her
6 authority or supervision; or (iii) a pastor, elder, volunteer, or other
7 person in authority in any church or religious organization, and the
8 victim was a member or participant of the organization under his or her
9 authority.

10 (36) "Private school" means a school regulated under chapter
11 28A.195 or 28A.205 RCW.

12 (37) "Public school" has the same meaning as in RCW 28A.150.010.

13 (38) "Restitution" means a specific sum of money ordered by the
14 sentencing court to be paid by the offender to the court over a
15 specified period of time as payment of damages. The sum may include
16 both public and private costs.

17 (39) "Risk assessment" means the application of an objective
18 instrument supported by research and adopted by the department for the
19 purpose of assessing an offender's risk of reoffense, taking into
20 consideration the nature of the harm done by the offender, place and
21 circumstances of the offender related to risk, the offender's
22 relationship to any victim, and any information provided to the
23 department by victims. The results of a risk assessment shall not be
24 based on unconfirmed or unconfirmable allegations.

25 (40) "Serious traffic offense" means:

26 (a) Nonfelony driving while under the influence of intoxicating
27 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
28 while under the influence of intoxicating liquor or any drug (RCW
29 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
30 attended vehicle (RCW 46.52.020(5)); or

31 (b) Any federal, out-of-state, county, or municipal conviction for
32 an offense that under the laws of this state would be classified as a
33 serious traffic offense under (a) of this subsection.

34 (41) "Serious violent offense" is a subcategory of violent offense
35 and means:

36 (a)(i) Murder in the first degree;

37 (ii) Homicide by abuse;

38 (iii) Murder in the second degree;

1 (iv) Manslaughter in the first degree;
2 (v) Assault in the first degree;
3 (vi) Kidnapping in the first degree;
4 (vii) Rape in the first degree;
5 (viii) Assault of a child in the first degree; or
6 (ix) An attempt, criminal solicitation, or criminal conspiracy to
7 commit one of these felonies; or
8 (b) Any federal or out-of-state conviction for an offense that
9 under the laws of this state would be a felony classified as a serious
10 violent offense under (a) of this subsection.
11 (42) "Sex offense" means:
12 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
13 RCW 9A.44.130(~~(+11)~~) (12);
14 (ii) A violation of RCW 9A.64.020;
15 (iii) A felony that is a violation of chapter 9.68A RCW other than
16 RCW 9.68A.080; or
17 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
18 criminal solicitation, or criminal conspiracy to commit such crimes;
19 (b) Any conviction for a felony offense in effect at any time prior
20 to July 1, 1976, that is comparable to a felony classified as a sex
21 offense in (a) of this subsection;
22 (c) A felony with a finding of sexual motivation under RCW
23 9.94A.835 or 13.40.135; or
24 (d) Any federal or out-of-state conviction for an offense that
25 under the laws of this state would be a felony classified as a sex
26 offense under (a) of this subsection.
27 (43) "Sexual motivation" means that one of the purposes for which
28 the defendant committed the crime was for the purpose of his or her
29 sexual gratification.
30 (44) "Standard sentence range" means the sentencing court's
31 discretionary range in imposing a nonappealable sentence.
32 (45) "Statutory maximum sentence" means the maximum length of time
33 for which an offender may be confined as punishment for a crime as
34 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
35 crime, or other statute defining the maximum penalty for a crime.
36 (46) "Stranger" means that the victim did not know the offender
37 twenty-four hours before the offense.

1 (47) "Total confinement" means confinement inside the physical
2 boundaries of a facility or institution operated or utilized under
3 contract by the state or any other unit of government for twenty-four
4 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

5 (48) "Transition training" means written and verbal instructions
6 and assistance provided by the department to the offender during the
7 two weeks prior to the offender's successful completion of the work
8 ethic camp program. The transition training shall include instructions
9 in the offender's requirements and obligations during the offender's
10 period of community custody.

11 (49) "Victim" means any person who has sustained emotional,
12 psychological, physical, or financial injury to person or property as
13 a direct result of the crime charged.

14 (50) "Violent offense" means:

15 (a) Any of the following felonies:

16 (i) Any felony defined under any law as a class A felony or an
17 attempt to commit a class A felony;

18 (ii) Criminal solicitation of or criminal conspiracy to commit a
19 class A felony;

20 (iii) Manslaughter in the first degree;

21 (iv) Manslaughter in the second degree;

22 (v) Indecent liberties if committed by forcible compulsion;

23 (vi) Kidnapping in the second degree;

24 (vii) Arson in the second degree;

25 (viii) Assault in the second degree;

26 (ix) Assault of a child in the second degree;

27 (x) Extortion in the first degree;

28 (xi) Robbery in the second degree;

29 (xii) Drive-by shooting;

30 (xiii) Vehicular assault, when caused by the operation or driving
31 of a vehicle by a person while under the influence of intoxicating
32 liquor or any drug or by the operation or driving of a vehicle in a
33 reckless manner; and

34 (xiv) Vehicular homicide, when proximately caused by the driving of
35 any vehicle by any person while under the influence of intoxicating
36 liquor or any drug as defined by RCW 46.61.502, or by the operation of
37 any vehicle in a reckless manner;

1 (b) Any conviction for a felony offense in effect at any time prior
2 to July 1, 1976, that is comparable to a felony classified as a violent
3 offense in (a) of this subsection; and

4 (c) Any federal or out-of-state conviction for an offense that
5 under the laws of this state would be a felony classified as a violent
6 offense under (a) or (b) of this subsection.

7 (51) "Work crew" means a program of partial confinement consisting
8 of civic improvement tasks for the benefit of the community that
9 complies with RCW 9.94A.725.

10 (52) "Work ethic camp" means an alternative incarceration program
11 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
12 the cost of corrections by requiring offenders to complete a
13 comprehensive array of real-world job and vocational experiences,
14 character-building work ethics training, life management skills
15 development, substance abuse rehabilitation, counseling, literacy
16 training, and basic adult education.

17 (53) "Work release" means a program of partial confinement
18 available to offenders who are employed or engaged as a student in a
19 regular course of study at school.

20 **Sec. 3.** RCW 13.40.0357 and 2007 c 199 s 11 are each amended to
21 read as follows:
22

23 **DESCRIPTION AND OFFENSE CATEGORY**

		JUVENILE DISPOSITION
JUVENILE		CATEGORY FOR
DISPOSITION		ATTEMPT, BAILJUMP,
OFFENSE		CONSPIRACY, OR
CATEGORY	DESCRIPTION (RCW CITATION)	SOLICITATION

29
30 **Arson and Malicious Mischief**

31	A	Arson 1 (9A.48.020)	B+
32	B	Arson 2 (9A.48.030)	C
33	C	Reckless Burning 1 (9A.48.040)	D
34	D	Reckless Burning 2 (9A.48.050)	E
35	B	Malicious Mischief 1 (9A.48.070)	C

1	C	Malicious Mischief 2 (9A.48.080)	D
2	D	Malicious Mischief 3 (9A.48.090(2) (a) and	
3		(c))	E
4	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
5	E	Tampering with Fire Alarm Apparatus	
6		(9.40.100)	E
7	E	Tampering with Fire Alarm Apparatus with	
8		Intent to Commit Arson (9.40.105)	E
9	A	Possession of Incendiary Device (9.40.120)	B+

Assault and Other Crimes Involving

Physical Harm

12	A	Assault 1 (9A.36.011)	B+
13	B+	Assault 2 (9A.36.021)	C+
14	C+	Assault 3 (9A.36.031)	D+
15	D+	Assault 4 (9A.36.041)	E
16	B+	Drive-By Shooting (9A.36.045)	C+
17	D+	Reckless Endangerment (9A.36.050)	E
18	C+	Promoting Suicide Attempt (9A.36.060)	D+
19	D+	Coercion (9A.36.070)	E
20	C+	Custodial Assault (9A.36.100)	D+

Burglary and Trespass

22	B+	Burglary 1 (9A.52.020)	C+
23	B	Residential Burglary (9A.52.025)	C
24	B	Burglary 2 (9A.52.030)	C
25	D	Burglary Tools (Possession of) (9A.52.060)	E
26	D	Criminal Trespass 1 (9A.52.070)	E
27	E	Criminal Trespass 2 (9A.52.080)	E
28	C	Mineral Trespass (78.44.330)	C
29	C	Vehicle Prowling 1 (9A.52.095)	D
30	D	Vehicle Prowling 2 (9A.52.100)	E

Drugs

32	E	Possession/Consumption of Alcohol	
33		(66.44.270)	E
34	C	Illegally Obtaining Legend Drug	
35		(69.41.020)	D

1	C+	Sale, Delivery, Possession of Legend Drug	
2		with Intent to Sell (69.41.030(2)(a))	D+
3	E	Possession of Legend Drug	
4		(69.41.030(2)(b))	E
5	B+	Violation of Uniform Controlled Substances	
6		Act - Narcotic, Methamphetamine, or	
7		Flunitrazepam Sale (69.50.401(2) (a) or	
8		(b))	B+
9	C	Violation of Uniform Controlled Substances	
10		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
11	E	Possession of Marihuana <40 grams	
12		(69.50.4014)	E
13	C	Fraudulently Obtaining Controlled	
14		Substance (69.50.403)	C
15	C+	Sale of Controlled Substance for Profit	
16		(69.50.410)	C+
17	E	Unlawful Inhalation (9.47A.020)	E
18	B	Violation of Uniform Controlled Substances	
19		Act - Narcotic, Methamphetamine, or	
20		Flunitrazepam Counterfeit Substances	
21		(69.50.4011(2) (a) or (b))	B
22	C	Violation of Uniform Controlled Substances	
23		Act - Nonnarcotic Counterfeit Substances	
24		(69.50.4011(2) (c), (d), or (e))	C
25	C	Violation of Uniform Controlled Substances	
26		Act - Possession of a Controlled Substance	
27		(69.50.4013)	C
28	C	Violation of Uniform Controlled Substances	
29		Act - Possession of a Controlled Substance	
30		(69.50.4012)	C
31		Firearms and Weapons	
32	B	Theft of Firearm (9A.56.300)	C
33	B	Possession of Stolen Firearm (9A.56.310)	C
34	E	Carrying Loaded Pistol Without Permit	
35		(9.41.050)	E
36	C	Possession of Firearms by Minor (<18)	
37		(9.41.040(2)(a)(iii))	C

1	D+	Possession of Dangerous Weapon	
2		(9.41.250)	E
3	D	Intimidating Another Person by use of	
4		Weapon (9.41.270)	E
5		Homicide	
6	A+	Murder 1 (9A.32.030)	A
7	A+	Murder 2 (9A.32.050)	B+
8	B+	Manslaughter 1 (9A.32.060)	C+
9	C+	Manslaughter 2 (9A.32.070)	D+
10	B+	Vehicular Homicide (46.61.520)	C+
11		Kidnapping	
12	A	Kidnap 1 (9A.40.020)	B+
13	B+	Kidnap 2 (9A.40.030)	C+
14	C+	Unlawful Imprisonment (9A.40.040)	D+
15		Obstructing Governmental Operation	
16	D	Obstructing a Law Enforcement Officer	
17		(9A.76.020)	E
18	E	Resisting Arrest (9A.76.040)	E
19	B	Introducing Contraband 1 (9A.76.140)	C
20	C	Introducing Contraband 2 (9A.76.150)	D
21	E	Introducing Contraband 3 (9A.76.160)	E
22	B+	Intimidating a Public Servant (9A.76.180)	C+
23	B+	Intimidating a Witness (9A.72.110)	C+
24		Public Disturbance	
25	C+	Riot with Weapon (9A.84.010(2)(b))	D+
26	D+	Riot Without Weapon (9A.84.010(2)(a))	E
27	E	Failure to Disperse (9A.84.020)	E
28	E	Disorderly Conduct (9A.84.030)	E
29		Sex Crimes	
30	A	Rape 1 (9A.44.040)	B+
31	A-	Rape 2 (9A.44.050)	B+
32	C+	Rape 3 (9A.44.060)	D+
33	A-	Rape of a Child 1 (9A.44.073)	B+
34	B+	Rape of a Child 2 (9A.44.076)	C+
35	B	Incest 1 (9A.64.020(1))	C
36	C	Incest 2 (9A.64.020(2))	D

1	D+	Indecent Exposure (Victim <14)	
2		(9A.88.010)	E
3	E	Indecent Exposure (Victim 14 or over)	
4		(9A.88.010)	E
5	B+	Promoting Prostitution 1 (9A.88.070)	C+
6	C+	Promoting Prostitution 2 (9A.88.080)	D+
7	E	O & A (Prostitution) (9A.88.030)	E
8	B+	Indecent Liberties (9A.44.100)	C+
9	A-	Child Molestation 1 (9A.44.083)	B+
10	B	Child Molestation 2 (9A.44.086)	C+
11	<u>C</u>	<u>Failure to Register as a Sex Offender</u>	
12		<u>(9A.44.130)</u>	<u>D</u>
13		Theft, Robbery, Extortion, and Forgery	
14	B	Theft 1 (9A.56.030)	C
15	C	Theft 2 (9A.56.040)	D
16	D	Theft 3 (9A.56.050)	E
17	B	Theft of Livestock 1 and 2 (9A.56.080 and	
18		9A.56.083)	C
19	C	Forgery (9A.60.020)	D
20	A	Robbery 1 (9A.56.200)	B+
21	B+	Robbery 2 (9A.56.210)	C+
22	B+	Extortion 1 (9A.56.120)	C+
23	C+	Extortion 2 (9A.56.130)	D+
24	C	Identity Theft 1 (9.35.020(2))	D
25	D	Identity Theft 2 (9.35.020(3))	E
26	D	Improperly Obtaining Financial Information	
27		(9.35.010)	E
28	B	Possession of a Stolen Vehicle (9A.56.068)	C
29	B	Possession of Stolen Property 1	
30		(9A.56.150)	C
31	C	Possession of Stolen Property 2	
32		(9A.56.160)	D
33	D	Possession of Stolen Property 3	
34		(9A.56.170)	E
35	B	Taking Motor Vehicle Without Permission	
36		1 (9A.56.070)	C

1	C	Taking Motor Vehicle Without Permission	
2		2 (9A.56.075)	D
3	B	Theft of a Motor Vehicle (9A.56.065)	C
4		Motor Vehicle Related Crimes	
5	E	Driving Without a License (46.20.005)	E
6	B+	Hit and Run - Death (46.52.020(4)(a))	C+
7	C	Hit and Run - Injury (46.52.020(4)(b))	D
8	D	Hit and Run-Attended (46.52.020(5))	E
9	E	Hit and Run-Unattended (46.52.010)	E
10	C	Vehicular Assault (46.61.522)	D
11	C	Attempting to Elude Pursuing Police	
12		Vehicle (46.61.024)	D
13	E	Reckless Driving (46.61.500)	E
14	D	Driving While Under the Influence	
15		(46.61.502 and 46.61.504)	E
16	B+	Felony Driving While Under the Influence	
17		(46.61.502(6))	B
18	B+	Felony Physical Control of a Vehicle While	
19		Under the Influence (46.61.504(6))	B
20		Other	
21	B	Animal Cruelty 1 (16.52.205)	C
22	B	Bomb Threat (9.61.160)	C
23	C	Escape 1 ¹ (9A.76.110)	C
24	C	Escape 2 ¹ (9A.76.120)	C
25	D	Escape 3 (9A.76.130)	E
26	E	Obscene, Harassing, Etc., Phone Calls	
27		(9.61.230)	E
28	A	Other Offense Equivalent to an Adult Class	
29		A Felony	B+
30	B	Other Offense Equivalent to an Adult Class	
31		B Felony	C
32	C	Other Offense Equivalent to an Adult Class	
33		C Felony	D
34	D	Other Offense Equivalent to an Adult Gross	
35		Misdemeanor	E

1 E Other Offense Equivalent to an Adult
 2 Misdemeanor E
 3 V Violation of Order of Restitution,
 4 Community Supervision, or Confinement
 5 (13.40.200)² V

6 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
 7 and the standard range is established as follows:

8 1st escape or attempted escape during 12-month period - 4 weeks
 9 confinement

10 2nd escape or attempted escape during 12-month period - 8 weeks
 11 confinement

12 3rd and subsequent escape or attempted escape during 12-month
 13 period - 12 weeks confinement

14 ²If the court finds that a respondent has violated terms of an order,
 15 it may impose a penalty of up to 30 days of confinement.

16 **JUVENILE SENTENCING STANDARDS**

17 This schedule must be used for juvenile offenders. The court may
 18 select sentencing option A, B, C, D, or RCW 13.40.167.

19 **OPTION A**
 20 **JUVENILE OFFENDER SENTENCING GRID**
 21 **STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS				
A 103 WEEKS TO 129 WEEKS				
A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
Current Offense Category	B+ 15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS

1	B	LOCAL			52-65
2		SANCTIONS (LS)		15-36 WEEKS	WEEKS
3					
4	C+	LS			
5				15-36 WEEKS	
6					
7	C	LS			15-36 WEEKS
8			Local Sanctions:		
9			0 to 30 Days		
10	D+	LS	0 to 12 Months Community Supervision		
11			0 to 150 Hours Community Restitution		
12	D	LS	\$0 to \$500 Fine		
13					
14	E	LS			
15					
16			0	1	2
17					3
18					4
					or more
			PRIOR ADJUDICATIONS		

19 NOTE: References in the grid to days or weeks mean periods of
20 confinement.

21 (1) The vertical axis of the grid is the current offense category.
22 The current offense category is determined by the offense of
23 adjudication.

24 (2) The horizontal axis of the grid is the number of prior
25 adjudications included in the juvenile's criminal history. Each prior
26 felony adjudication shall count as one point. Each prior violation,
27 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
28 point. Fractional points shall be rounded down.

29 (3) The standard range disposition for each offense is determined
30 by the intersection of the column defined by the prior adjudications
31 and the row defined by the current offense category.

32 (4) RCW 13.40.180 applies if the offender is being sentenced for
33 more than one offense.

34 (5) A current offense that is a violation is equivalent to an
35 offense category of E. However, a disposition for a violation shall
36 not include confinement.

37 **OR**

38 **OPTION B**

39 **SUSPENDED DISPOSITION ALTERNATIVE**

1 (1) If the offender is subject to a standard range disposition
2 involving confinement by the department, the court may impose the
3 standard range and suspend the disposition on condition that the
4 offender comply with one or more local sanctions and any educational or
5 treatment requirement. The treatment programs provided to the offender
6 must be research-based best practice programs as identified by the
7 Washington state institute for public policy or the joint legislative
8 audit and review committee.

9 (2) If the offender fails to comply with the suspended disposition,
10 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke
11 the suspended disposition and order the disposition's execution.

12 (3) An offender is ineligible for the suspended disposition option
13 under this section if the offender is:

14 (a) Adjudicated of an A+ offense;

15 (b) Fourteen years of age or older and is adjudicated of one or
16 more of the following offenses:

17 (i) A class A offense, or an attempt, conspiracy, or solicitation
18 to commit a class A offense;

19 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

20 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
21 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
22 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
23 burglary (RCW 9A.52.025), burglary in the second degree (RCW
24 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
25 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
26 witness (RCW 9A.72.110), violation of the uniform controlled substances
27 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
28 when the offense includes infliction of bodily harm upon another or
29 when during the commission or immediate withdrawal from the offense the
30 respondent was armed with a deadly weapon;

31 (c) Ordered to serve a disposition for a firearm violation under
32 RCW 13.40.193; or

33 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

34 **OR**

35 **OPTION C**

36 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

1 If the juvenile offender is subject to a standard range disposition
2 of local sanctions or 15 to 36 weeks of confinement and has not
3 committed an A- or B+ offense, the court may impose a disposition under
4 RCW 13.40.160(4) and 13.40.165.

5 OR

6 OPTION D

7 MANIFEST INJUSTICE

8 If the court determines that a disposition under option A, B, or C
9 would effectuate a manifest injustice, the court shall impose a
10 disposition outside the standard range under RCW 13.40.160(2).

11 NEW SECTION. **Sec. 4.** (1) The sex offender policy board, as
12 created by chapter . . . (Substitute Senate Bill No. 6596), Laws of
13 2008, shall review and make recommendations for changes to the
14 statutory requirements relating to sex offender and kidnapping offender
15 registration and notification. The review and recommendations shall
16 include, but are not limited to:

17 (a) The appropriate class of felony and sentencing designations for
18 a conviction of the failure to register;

19 (b) The appropriate groups and classes of adult offenders who
20 should be required to register;

21 (c) The appropriate groups and classes of juvenile offenders who
22 should be required to register;

23 (d) When a sex offender or kidnapping offender should be relieved
24 of registration or notification requirements and the process for
25 termination of those obligations; and

26 (e) Simplification of the statutory language to allow the
27 department of corrections, law enforcement, and offenders to more
28 easily identify registration and notification requirements.

29 (2) In formulating its recommendations, the board shall review the
30 experience of other jurisdictions and any available evidence-based
31 research to ensure that its recommendations have the maximum impact on
32 public safety.

33 (3) The board shall report to the governor and the relevant
34 committees of the legislature no later than November 1, 2009.

1 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act take effect
2 ninety days after adjournment sine die of the 2010 legislative
3 session."

2SHB 2714 - S AMD

By Senator Hargrove and Stevens

ADOPTED 03/11/2008

4 On page 1, line 2 of the title, after "felony;" strike the
5 remainder of the title and insert "amending RCW 13.40.0357; reenacting
6 and amending RCW 9A.44.130 and 9.94A.030; creating a new section;
7 prescribing penalties; and providing an effective date."

--- END ---