
HOUSE BILL 1277

State of Washington

61st Legislature

2009 Regular Session

By Representatives Pearson, O'Brien, Smith, Orcutt, Dammeier, Kretz, and Simpson

Read first time 01/16/09. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to protecting the public from sex offenders
2 released into the community; amending RCW 72.09.340, 72.09.270,
3 72.09.712, 9.94A.703, and 9.94A.540; reenacting and amending RCW
4 9.94A.515; adding a new section to chapter 72.09 RCW; adding a new
5 section to chapter 9A.76 RCW; prescribing penalties; and providing an
6 effective date.

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

8 **Sec. 1.** RCW 72.09.340 and 2005 c 436 s 3 are each amended to read
9 as follows:

10 (1) In making all discretionary decisions regarding release plans
11 for and supervision of sex offenders, the department shall set
12 priorities and make decisions based on an assessment of public safety
13 risks.

14 (2) The department shall, no later than September 1, 1996,
15 implement a policy governing the department's evaluation and approval
16 of release plans for sex offenders. The policy shall include, at a
17 minimum, a formal process by which victims, witnesses, and other
18 interested people may provide information and comments to the
19 department on potential safety risks to specific individuals or classes

1 of individuals posed by a specific sex offender. The department shall
2 make all reasonable efforts to publicize the availability of this
3 process through currently existing mechanisms and shall seek the
4 assistance of courts, prosecutors, law enforcement, and victims'
5 advocacy groups in doing so. Notice of an offender's proposed
6 residence shall be provided to all people registered to receive notice
7 of an offender's release under RCW (~~(9.94A.612)~~) 72.09.712(2), except
8 that in no case may this notification requirement be construed to
9 require an extension of an offender's release date.

10 (3)(a) For any offender convicted of a felony sex offense (~~(against~~
11 ~~a minor victim)~~) after June 6, 1996, the department shall not approve
12 a residence location if the proposed residence: (i) Includes a minor
13 victim or child of similar age or circumstance as a previous victim who
14 the department determines may be put at substantial risk of harm by the
15 offender's residence in the household; or (ii) is within (~~close~~
16 ~~proximity~~) fifty miles of, or is in the same county as, the current
17 residence of a (~~minor~~) victim, unless the whereabouts of the
18 (~~minor~~) victim cannot be determined or unless such a restriction
19 would impede family reunification efforts ordered by the court or
20 directed by the department of social and health services. The
21 department is further authorized to reject a residence location for an
22 offender convicted of a felony sex offense against a minor victim if
23 the proposed residence is within close proximity to schools, child care
24 centers, playgrounds, or other grounds or facilities where children of
25 similar age or circumstance as a previous victim are present who the
26 department determines may be put at substantial risk of harm by the sex
27 offender's residence at that location.

28 (b) In addition, for any offender prohibited from living in a
29 community protection zone under RCW (~~(9.94A.712(6)(a)(ii))~~)
30 9.94A.703(1)(c), the department may not approve a residence location if
31 the proposed residence is in a community protection zone.

32 (4) When the department requires supervised visitation as a term or
33 condition of a sex offender's community placement under RCW
34 (~~(9.94A.700)~~) 9.94B.050(6), the department shall, prior to approving a
35 supervisor, consider the following:

36 (a) The relationships between the proposed supervisor, the
37 offender, and the minor; (b) the proposed supervisor's acknowledgment
38 and understanding of the offender's prior criminal conduct, general

1 knowledge of the dynamics of child sexual abuse, and willingness and
2 ability to protect the minor from the potential risks posed by contact
3 with the offender; and (c) recommendations made by the department of
4 social and health services about the best interests of the child.

5 **Sec. 2.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to read
6 as follows:

7 (1) The department of corrections shall develop an individual
8 reentry plan as defined in RCW 72.09.015 for every offender who is
9 committed to the jurisdiction of the department except:

10 (a) Offenders who are sentenced to life without the possibility of
11 release or sentenced to death under chapter 10.95 RCW; and

12 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.
13 1227.

14 (2) The individual reentry plan may be one document, or may be a
15 series of individual plans that combine to meet the requirements of
16 this section.

17 (3) In developing individual reentry plans, the department shall
18 assess all offenders using standardized and comprehensive tools to
19 identify the criminogenic risks, programmatic needs, and educational
20 and vocational skill levels for each offender. The assessment tool
21 should take into account demographic biases, such as culture, age, and
22 gender, as well as the needs of the offender, including any learning
23 disabilities, substance abuse or mental health issues, and social or
24 behavior deficits.

25 (4)(a) The initial assessment shall be conducted as early as
26 sentencing, but, whenever possible, no later than forty-five days of
27 being sentenced to the jurisdiction of the department of corrections.

28 (b) The offender's individual reentry plan shall be developed as
29 soon as possible after the initial assessment is conducted, but,
30 whenever possible, no later than sixty days after completion of the
31 assessment, and shall be periodically reviewed and updated as
32 appropriate.

33 (5) The individual reentry plan shall, at a minimum, include:

34 (a) A plan to maintain contact with the inmate's children and
35 family, if appropriate. The plan should determine whether parenting
36 classes, or other services, are appropriate to facilitate successful
37 reunification with the offender's children and family;

1 (b) An individualized portfolio for each offender that includes the
2 offender's education achievements, certifications, employment, work
3 experience, skills, and any training received prior to and during
4 incarceration; and

5 (c) A plan for the offender during the period of incarceration
6 through reentry into the community that addresses the needs of the
7 offender including education, employment, substance abuse treatment,
8 mental health treatment, family reunification, and other areas which
9 are needed to facilitate a successful reintegration into the community.

10 (6)(a) Prior to discharge of any offender, the department shall:

11 (i) Evaluate the offender's needs and, to the extent possible,
12 connect the offender with existing services and resources that meet
13 those needs; and

14 (ii) Connect the offender with a community justice center and/or
15 community transition coordination network in the area in which the
16 offender will be residing once released from the correctional system if
17 one exists.

18 (b) If the department recommends partial confinement in an
19 offender's individual reentry plan, the department shall maximize the
20 period of partial confinement for the offender as allowed pursuant to
21 RCW 9.94A.728 to facilitate the offender's transition to the community.

22 (7) The department shall establish mechanisms for sharing
23 information from individual reentry plans to those persons involved
24 with the offender's treatment, programming, and reentry, when deemed
25 appropriate. When feasible, this information shall be shared
26 electronically.

27 (8)(a) Except as provided in RCW 72.09.340(3)(a)(ii), in
28 determining the county of discharge for an offender released to
29 community custody, the department may not approve a residence location
30 that is not in the offender's county of origin unless it is determined
31 by the department that the offender's return to his or her county of
32 origin would be inappropriate considering any court-ordered condition
33 of the offender's sentence, victim safety concerns, negative influences
34 on the offender in the community, or the location of family or other
35 sponsoring persons or organizations that will support the offender.

36 (b) If the offender is not returned to his or her county of origin,
37 the department shall provide the law and justice council of the county
38 in which the offender is placed with a written explanation.

1 (c) For purposes of this section, the offender's county of origin
2 means the county of the offender's first felony conviction in
3 Washington.

4 (9) Nothing in this section creates a vested right in programming,
5 education, or other services.

6 **Sec. 3.** RCW 72.09.712 and 2008 c 231 s 27 are each amended to read
7 as follows:

8 (1) At the earliest possible date, and in no event later than
9 thirty days before release except in the event of escape or emergency
10 furloughs as defined in RCW 72.66.010, the department of corrections
11 shall send written notice of parole, release, community custody, work
12 release placement, furlough, or escape about a specific inmate
13 convicted of a violent offense, a sex offense as defined by RCW
14 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060
15 or 9A.46.110, to the following:

16 (a) The chief of police of the city, if any, in which the inmate
17 will reside or in which placement will be made in a work release
18 program; and

19 (b) The sheriff of the county in which the inmate will reside or in
20 which placement will be made in a work release program.

21 The sheriff of the county where the offender was convicted shall be
22 notified if the department does not know where the offender will
23 reside. The department shall notify the state patrol of the release of
24 all sex offenders, and that information shall be placed in the
25 Washington crime information center for dissemination to all law
26 enforcement.

27 (2) The same notice as required by subsection (1) of this section
28 shall be sent to the following if such notice has been requested in
29 writing about a specific inmate convicted of a violent offense, a sex
30 offense as defined by RCW 9.94A.030, or a felony harassment offense as
31 defined by RCW 9A.46.060 or 9A.46.110:

32 (a) The victim of the crime for which the inmate was convicted or
33 the victim's next of kin if the crime was a homicide;

34 (b) Any witnesses who testified against the inmate in any court
35 proceedings involving the violent offense;

36 (c) Any person specified in writing by the prosecuting attorney;
37 and

1 (d) Any person who requests such notice about a specific inmate
2 convicted of a sex offense as defined by RCW 9.94A.030 from the
3 department of corrections at least sixty days prior to the expected
4 release date of the offender.

5 Information regarding victims, next of kin, or witnesses requesting
6 the notice, information regarding any other person specified in writing
7 by the prosecuting attorney to receive the notice, and the notice are
8 confidential and shall not be available to the inmate. Whenever the
9 department of corrections mails notice pursuant to this subsection and
10 the notice is returned as undeliverable, the department shall attempt
11 alternative methods of notification, including a telephone call to the
12 person's last known telephone number.

13 (3) The existence of the notice requirements contained in
14 subsections (1) and (2) of this section shall not require an extension
15 of the release date in the event that the release plan changes after
16 notification.

17 (4) If an inmate convicted of a violent offense, a sex offense as
18 defined by RCW 9.94A.030, or a felony harassment offense as defined by
19 RCW 9A.46.060 or 9A.46.110, escapes from a correctional facility, or if
20 an offender convicted of a sex offense removes or disables his or her
21 electronic monitoring device during the period of his or her community
22 custody, the department of corrections shall immediately notify, by the
23 most reasonable and expedient means available, the chief of police of
24 the city and the sheriff of the county in which the inmate or offender
25 resided immediately before the inmate's or offender's arrest and
26 conviction. If previously requested, the department shall also notify
27 the witnesses and the victim of the crime for which the inmate or
28 offender was convicted or the victim's next of kin if the crime was a
29 homicide. If the inmate or offender is recaptured or placed back on
30 electronic monitoring, the department shall send notice to the persons
31 designated in this subsection as soon as possible but in no event later
32 than two working days after the department learns of such recapture or
33 placement back on electronic monitoring.

34 (5)(a) In addition to the notifications required in subsections (1)
35 through (4) of this section, upon the actual release of an inmate
36 convicted of a sex offense, the department of corrections shall make
37 reasonable, good faith efforts to notify any victim who has been sent

1 notice under subsection (2) of this section. The department shall make
2 the notification required by this subsection within twenty-four hours
3 of the inmate's actual release.

4 (b) For purposes of this subsection, the department has made
5 "reasonable, good faith efforts" to contact the victim if it has:

6 (i) Contacted the victim in person; or

7 (ii) Sent the victim at least one e-mail at his or her last known
8 e-mail address, if any, and telephoned the victim at least three times
9 at his or her last known telephone number, if any. If the victim does
10 not answer the telephone, the department shall leave a message, if
11 possible, providing a telephone number the victim may call for more
12 information.

13 (6) If the victim, the victim's next of kin, or any witness is
14 under the age of sixteen, the notice required by this section shall be
15 sent to the parents or legal guardian of the child.

16 ~~((+6))~~ (7) The department of corrections shall send the notices
17 required by this chapter to the last address provided to the department
18 by the requesting party. The requesting party shall furnish the
19 department with a current address.

20 ~~((+7))~~ (8) The department of corrections shall keep, for a minimum
21 of two years following the release of an inmate, the following:

22 (a) A document signed by an individual as proof that that person is
23 registered in the victim or witness notification program; ~~((and))~~

24 (b) A receipt showing that an individual registered in the victim
25 or witness notification program was mailed a notice, at the
26 individual's last known address, upon the release or movement of an
27 inmate; and

28 (c) Written records of the department's efforts to comply with
29 subsection (5) of this section.

30 ~~((+8))~~ (9) For purposes of this section the following terms have
31 the following meanings:

32 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

33 (b) "Next of kin" means a person's spouse, parents, siblings and
34 children.

35 ~~((+9))~~ (10) Nothing in this section shall impose any liability
36 upon a chief of police of a city or sheriff of a county for failing to
37 request in writing a notice as provided in subsection (1) of this
38 section.

1 **Sec. 4.** RCW 9.94A.703 and 2008 c 231 s 9 are each amended to read
2 as follows:

3 When a court sentences a person to a term of community custody, the
4 court shall impose conditions of community custody as provided in this
5 section.

6 (1) **Mandatory conditions.** As part of any term of community
7 custody, the court shall:

8 (a) Require the offender to inform the department of court-ordered
9 treatment upon request by the department;

10 (b) Require the offender to comply with any conditions imposed by
11 the department under RCW 9.94A.704;

12 (c) If the offender was sentenced under RCW ((~~9.94A.712~~)) 9.94A.507
13 for an offense listed in RCW ((~~9.94A.712~~)) 9.94A.507(1)(a), and the
14 victim of the offense was under eighteen years of age at the time of
15 the offense, prohibit the offender from residing in a community
16 protection zone;

17 (d) Require an offender convicted of a sex offense to submit to
18 electronic monitoring during any period of time in which he or she is
19 registered as not having a fixed residence under RCW 9A.44.130.

20 (2) **Waivable conditions.** Unless waived by the court, as part of
21 any term of community custody, the court shall order an offender to:

22 (a) Report to and be available for contact with the assigned
23 community corrections officer as directed;

24 (b) Work at department-approved education, employment, or community
25 restitution, or any combination thereof;

26 (c) Refrain from possessing or consuming controlled substances
27 except pursuant to lawfully issued prescriptions;

28 (d) Pay supervision fees as determined by the department; and

29 (e) Obtain prior approval of the department for the offender's
30 residence location and living arrangements.

31 (3) **Discretionary conditions.** As part of any term of community
32 custody, the court may order an offender to:

33 (a) Remain within, or outside of, a specified geographical
34 boundary;

35 (b) Refrain from direct or indirect contact with the victim of the
36 crime or a specified class of individuals;

37 (c) Participate in crime-related treatment or counseling services;

1 (d) Participate in rehabilitative programs or otherwise perform
2 affirmative conduct reasonably related to the circumstances of the
3 offense, the offender's risk of reoffending, or the safety of the
4 community;

5 (e) Refrain from consuming alcohol; or

6 (f) Comply with any crime-related prohibitions.

7 (4) **Special conditions.**

8 (a) In sentencing an offender convicted of a crime of domestic
9 violence, as defined in RCW 10.99.020, if the offender has a minor
10 child, or if the victim of the offense for which the offender was
11 convicted has a minor child, the court may order the offender to
12 participate in a domestic violence perpetrator program approved under
13 RCW 26.50.150.

14 (b)(i) In sentencing an offender convicted of an alcohol or drug-
15 related traffic offense, the court shall require the offender to
16 complete a diagnostic evaluation by an alcohol or drug dependency
17 agency approved by the department of social and health services or a
18 qualified probation department, defined under RCW 46.61.516, that has
19 been approved by the department of social and health services. If the
20 offense was pursuant to chapter 46.61 RCW, the report shall be
21 forwarded to the department of licensing. If the offender is found to
22 have an alcohol or drug problem that requires treatment, the offender
23 shall complete treatment in a program approved by the department of
24 social and health services under chapter 70.96A RCW. If the offender
25 is found not to have an alcohol or drug problem that requires
26 treatment, the offender shall complete a course in an information
27 school approved by the department of social and health services under
28 chapter 70.96A RCW. The offender shall pay all costs for any
29 evaluation, education, or treatment required by this section, unless
30 the offender is eligible for an existing program offered or approved by
31 the department of social and health services.

32 (ii) For purposes of this section, "alcohol or drug-related traffic
33 offense" means the following: Driving while under the influence as
34 defined by RCW 46.61.502, actual physical control while under the
35 influence as defined by RCW 46.61.504, vehicular homicide as defined by
36 RCW 46.61.520(1)(a), vehicular assault as defined by RCW
37 46.61.522(1)(b), homicide by watercraft as defined by RCW 79A.60.050,
38 or assault by watercraft as defined by RCW 79A.60.060.

1 (iii) This subsection (4)(b) does not require the department of
2 social and health services to add new treatment or assessment
3 facilities nor affect its use of existing programs and facilities
4 authorized by law.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 72.09 RCW
6 to read as follows:

7 A sex offender who is subject to electronic monitoring as a
8 condition of his or her community custody under RCW 9.94A.703(1)(d)
9 must be monitored using an active global positioning system that
10 actively monitors, identifies, and timely reports the offender's
11 location. The department shall purchase the electronic monitoring
12 services necessary to fulfill the requirements of this section by
13 contract.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 9A.76 RCW
15 to read as follows:

16 (1) A person is guilty of interfering with an electronic monitoring
17 device if, under circumstances not constituting sexually violent
18 predator escape, he or she:

19 (a) Is required to be electronically monitored as a condition of
20 community custody pursuant to a conviction for a sex offense; and

21 (b) Intentionally removes, alters, tampers with, damages, destroys,
22 or interferes with the signal from an electronic monitoring device
23 without prior authorization from the department of corrections.

24 (2) Interfering with an electronic monitoring device is a class C
25 felony.

26 (3) For purposes of this section, "sex offense" has the same
27 meaning as in RCW 9.94A.030.

28 **Sec. 7.** RCW 9.94A.540 and 2005 c 437 s 2 are each amended to read
29 as follows:

30 (1) Except to the extent provided in subsection (3) of this
31 section, the following minimum terms of total confinement are mandatory
32 and shall not be varied or modified under RCW 9.94A.535:

33 (a) An offender convicted of the crime of murder in the first
34 degree shall be sentenced to a term of total confinement not less than
35 twenty years.

1 (b) An offender convicted of the crime of assault in the first
2 degree or assault of a child in the first degree where the offender
3 used force or means likely to result in death or intended to kill the
4 victim shall be sentenced to a term of total confinement not less than
5 five years.

6 (c) An offender convicted of the crime of rape in the first degree
7 shall be sentenced to a term of total confinement not less than five
8 years.

9 (d) An offender convicted of the crime of sexually violent predator
10 escape shall be sentenced to a minimum term of total confinement not
11 less than sixty months.

12 (e) An offender convicted of an attempt to violate section 6 of
13 this act shall be sentenced to a minimum term of total confinement not
14 less than twelve months and one day if: (i) The offender has one or
15 more previous convictions for a violation, or an attempt to violate,
16 section 6 of this act; and (ii) the bottom of the offender's standard
17 range is twelve months or less.

18 (2) During such minimum terms of total confinement, no offender
19 subject to the provisions of this section is eligible for community
20 custody, earned release time, furlough, home detention, partial
21 confinement, work crew, work release, or any other form of early
22 release authorized under RCW 9.94A.728, or any other form of authorized
23 leave of absence from the correctional facility while not in the direct
24 custody of a corrections officer. The provisions of this subsection
25 shall not apply: (a) In the case of an offender in need of emergency
26 medical treatment; (b) for the purpose of commitment to an inpatient
27 treatment facility in the case of an offender convicted of the crime of
28 rape in the first degree; or (c) for an extraordinary medical placement
29 when authorized under RCW 9.94A.728(4).

30 (3)(a) Subsection (1) of this section shall not be applied in
31 sentencing of juveniles tried as adults pursuant to RCW
32 13.04.030(1)(e)(i).

33 (b) This subsection (3) applies only to crimes committed on or
34 after July 24, 2005.

35 **Sec. 8.** RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are
36 each reenacted and amended to read as follows:

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TABLE 2
CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083) Criminal Mistreatment 1 (RCW 9A.42.020) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a))

1 Malicious explosion 3 (RCW
2 70.74.280(3))
3 Sexually Violent Predator Escape
4 (RCW 9A.76.115)
5 IX Abandonment of Dependent Person 1
6 (RCW 9A.42.060)
7 Assault of a Child 2 (RCW 9A.36.130)
8 Explosive devices prohibited (RCW
9 70.74.180)
10 Hit and Run--Death (RCW
11 46.52.020(4)(a))
12 Homicide by Watercraft, by being
13 under the influence of intoxicating
14 liquor or any drug (RCW
15 79A.60.050)
16 Inciting Criminal Profiteering (RCW
17 9A.82.060(1)(b))
18 Malicious placement of an explosive 2
19 (RCW 70.74.270(2))
20 Robbery 1 (RCW 9A.56.200)
21 Sexual Exploitation (RCW 9.68A.040)
22 Vehicular Homicide, by being under
23 the influence of intoxicating liquor
24 or any drug (RCW 46.61.520)
25 VIII Arson 1 (RCW 9A.48.020)
26 Homicide by Watercraft, by the
27 operation of any vessel in a
28 reckless manner (RCW
29 79A.60.050)
30 Manslaughter 2 (RCW 9A.32.070)
31 Promoting Commercial Sexual Abuse
32 of a Minor (RCW 9.68A.101)
33 Promoting Prostitution 1 (RCW
34 9A.88.070)
35 Theft of Ammonia (RCW 69.55.010)

1 Vehicular Homicide, by the operation
2 of any vehicle in a reckless manner
3 (RCW 46.61.520)

4 VII Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Civil Disorder Training (RCW
7 9A.48.120)
8 Dealing in depictions of minor engaged
9 in sexually explicit conduct (RCW
10 9.68A.050)
11 Drive-by Shooting (RCW 9A.36.045)
12 Homicide by Watercraft, by disregard
13 for the safety of others (RCW
14 79A.60.050)
15 Indecent Liberties (without forcible
16 compulsion) (RCW 9A.44.100(1)
17 (b) and (c))
18 Introducing Contraband 1 (RCW
19 9A.76.140)
20 Malicious placement of an explosive 3
21 (RCW 70.74.270(3))
22 Negligently Causing Death By Use of a
23 Signal Preemption Device (RCW
24 46.37.675)
25 Sending, bringing into state depictions
26 of minor engaged in sexually
27 explicit conduct (RCW 9.68A.060)
28 Unlawful Possession of a Firearm in
29 the first degree (RCW 9.41.040(1))
30 Use of a Machine Gun in Commission
31 of a Felony (RCW 9.41.225)
32 Vehicular Homicide, by disregard for
33 the safety of others (RCW
34 46.61.520)

35 VI Bail Jumping with Murder 1 (RCW
36 9A.76.170(3)(a))
37 Bribery (RCW 9A.68.010)

1 Incest 1 (RCW 9A.64.020(1))
2 Intimidating a Judge (RCW 9A.72.160)
3 Intimidating a Juror/Witness (RCW
4 9A.72.110, 9A.72.130)
5 Malicious placement of an imitation
6 device 2 (RCW 70.74.272(1)(b))
7 Possession of Depictions of a Minor
8 Engaged in Sexually Explicit
9 Conduct (RCW 9.68A.070)
10 Rape of a Child 3 (RCW 9A.44.079)
11 Theft of a Firearm (RCW 9A.56.300)
12 Unlawful Storage of Ammonia (RCW
13 69.55.020)
14 V Abandonment of Dependent Person 2
15 (RCW 9A.42.070)
16 Advancing money or property for
17 extortionate extension of credit
18 (RCW 9A.82.030)
19 Bail Jumping with class A Felony
20 (RCW 9A.76.170(3)(b))
21 Child Molestation 3 (RCW 9A.44.089)
22 Criminal Mistreatment 2 (RCW
23 9A.42.030)
24 Custodial Sexual Misconduct 1 (RCW
25 9A.44.160)
26 Domestic Violence Court Order
27 Violation (RCW 10.99.040,
28 10.99.050, 26.09.300, 26.10.220,
29 26.26.138, 26.50.110, 26.52.070,
30 or 74.34.145)
31 Driving While Under the Influence
32 (RCW 46.61.502(6))
33 Extortion 1 (RCW 9A.56.120)
34 Extortionate Extension of Credit (RCW
35 9A.82.020)

1 Extortionate Means to Collect
2 Extensions of Credit (RCW
3 9A.82.040)
4 Incest 2 (RCW 9A.64.020(2))
5 Interfering with an Electronic
6 Monitoring Device (section 6 of
7 this act)
8 Kidnapping 2 (RCW 9A.40.030)
9 Perjury 1 (RCW 9A.72.020)
10 Persistent prison misbehavior (RCW
11 9.94.070)
12 Physical Control of a Vehicle While
13 Under the Influence (RCW
14 46.61.504(6))
15 Possession of a Stolen Firearm (RCW
16 9A.56.310)
17 Rape 3 (RCW 9A.44.060)
18 Rendering Criminal Assistance 1
19 (RCW 9A.76.070)
20 Sexual Misconduct with a Minor 1
21 (RCW 9A.44.093)
22 Sexually Violating Human Remains
23 (RCW 9A.44.105)
24 Stalking (RCW 9A.46.110)
25 Taking Motor Vehicle Without
26 Permission 1 (RCW 9A.56.070)
27 IV Arson 2 (RCW 9A.48.030)
28 Assault 2 (RCW 9A.36.021)
29 Assault 3 (of a Peace Officer with a
30 Projectile Stun Gun) (RCW
31 9A.36.031(1)(h))
32 Assault by Watercraft (RCW
33 79A.60.060)
34 Bribing a Witness/Bribe Received by
35 Witness (RCW 9A.72.090,
36 9A.72.100)
37 Cheating 1 (RCW 9.46.1961)

1 Commercial Bribery (RCW 9A.68.060)
2 Counterfeiting (RCW 9.16.035(4))
3 Endangerment with a Controlled
4 Substance (RCW 9A.42.100)
5 Escape 1 (RCW 9A.76.110)
6 Hit and Run--Injury (RCW
7 46.52.020(4)(b))
8 Hit and Run with Vessel--Injury
9 Accident (RCW 79A.60.200(3))
10 Identity Theft 1 (RCW 9.35.020(2))
11 Indecent Exposure to Person Under
12 Age Fourteen (subsequent sex
13 offense) (RCW 9A.88.010)
14 Influencing Outcome of Sporting Event
15 (RCW 9A.82.070)
16 Malicious Harassment (RCW
17 9A.36.080)
18 Residential Burglary (RCW
19 9A.52.025)
20 Robbery 2 (RCW 9A.56.210)
21 Theft of Livestock 1 (RCW 9A.56.080)
22 Threats to Bomb (RCW 9.61.160)
23 Trafficking in Stolen Property 1 (RCW
24 9A.82.050)
25 Unlawful factoring of a credit card or
26 payment card transaction (RCW
27 9A.56.290(4)(b))
28 Unlawful transaction of health
29 coverage as a health care service
30 contractor (RCW 48.44.016(3))
31 Unlawful transaction of health
32 coverage as a health maintenance
33 organization (RCW 48.46.033(3))
34 Unlawful transaction of insurance
35 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance
2 professional (RCW
3 48.17.063(~~(3)~~)(2))
4 Use of Proceeds of Criminal
5 Profiteering (RCW 9A.82.080 (1)
6 and (2))
7 Vehicular Assault, by being under the
8 influence of intoxicating liquor or
9 any drug, or by the operation or
10 driving of a vehicle in a reckless
11 manner (RCW 46.61.522)
12 Willful Failure to Return from
13 Furlough (RCW 72.66.060)
14 III Animal Cruelty 1 (Sexual Conduct or
15 Contact) (RCW 16.52.205(3))
16 Assault 3 (Except Assault 3 of a Peace
17 Officer With a Projectile Stun
18 Gun) (RCW 9A.36.031 except
19 subsection (1)(h))
20 Assault of a Child 3 (RCW 9A.36.140)
21 Bail Jumping with class B or C Felony
22 (RCW 9A.76.170(3)(c))
23 Burglary 2 (RCW 9A.52.030)
24 Commercial Sexual Abuse of a Minor
25 (RCW 9.68A.100)
26 Communication with a Minor for
27 Immoral Purposes (RCW
28 9.68A.090)
29 Criminal Gang Intimidation (RCW
30 9A.46.120)
31 Custodial Assault (RCW 9A.36.100)
32 Cyberstalking (subsequent conviction
33 or threat of death) (RCW
34 9.61.260(3))
35 Escape 2 (RCW 9A.76.120)
36 Extortion 2 (RCW 9A.56.130)
37 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Introducing Contraband 2 (RCW
4 9A.76.150)
5 Malicious Injury to Railroad Property
6 (RCW 81.60.070)
7 Mortgage Fraud (RCW 19.144.080)
8 Negligently Causing Substantial Bodily
9 Harm By Use of a Signal
10 Preemption Device (RCW
11 46.37.674)
12 Organized Retail Theft 1 (RCW
13 9A.56.350(2))
14 Perjury 2 (RCW 9A.72.030)
15 Possession of Incendiary Device (RCW
16 9.40.120)
17 Possession of Machine Gun or Short-
18 Barreled Shotgun or Rifle (RCW
19 9.41.190)
20 Promoting Prostitution 2 (RCW
21 9A.88.080)
22 Retail Theft with Extenuating
23 Circumstances 1 (RCW
24 9A.56.360(2))
25 Securities Act violation (RCW
26 21.20.400)
27 Tampering with a Witness (RCW
28 9A.72.120)
29 Telephone Harassment (subsequent
30 conviction or threat of death)
31 (RCW 9.61.230(2))
32 Theft of Livestock 2 (RCW 9A.56.083)
33 Theft with the Intent to Resell 1 (RCW
34 9A.56.340(2))
35 Trafficking in Stolen Property 2 (RCW
36 9A.82.055)

1 Unlawful Imprisonment (RCW
2 9A.40.040)
3 Unlawful possession of firearm in the
4 second degree (RCW 9A.41.040(2))
5 Vehicular Assault, by the operation or
6 driving of a vehicle with disregard
7 for the safety of others (RCW
8 46.61.522)
9 Willful Failure to Return from Work
10 Release (RCW 72.65.070)
11 II Computer Trespass 1 (RCW
12 9A.52.110)
13 Counterfeiting (RCW 9.16.035(3))
14 Escape from Community Custody
15 (RCW 72.09.310)
16 Failure to Register as a Sex Offender
17 (second or subsequent offense)
18 (RCW 9A.44.130(11)(a))
19 Health Care False Claims (RCW
20 48.80.030)
21 Identity Theft 2 (RCW 9.35.020(3))
22 Improperly Obtaining Financial
23 Information (RCW 9.35.010)
24 Malicious Mischief 1 (RCW
25 9A.48.070)
26 Organized Retail Theft 2 (RCW
27 9A.56.350(3))
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 Possession of a Stolen Vehicle (RCW
31 9A.56.068)
32 Retail Theft with Extenuating
33 Circumstances 2 (RCW
34 9A.56.360(3))
35 Theft 1 (RCW 9A.56.030)
36 Theft of a Motor Vehicle (RCW
37 9A.56.065)

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 Theft with the Intent to Resell 2 (RCW
6 9A.56.340(3))
7 Trafficking in Insurance Claims (RCW
8 48.30A.015)
9 Unlawful factoring of a credit card or
10 payment card transaction (RCW
11 9A.56.290(4)(a))
12 Unlawful Practice of Law (RCW
13 2.48.180)
14 Unlicensed Practice of a Profession or
15 Business (RCW 18.130.190(7))
16 Voyeurism (RCW 9A.44.115)
17 I Attempting to Elude a Pursuing Police
18 Vehicle (RCW 46.61.024)
19 False Verification for Welfare (RCW
20 74.08.055)
21 Forgery (RCW 9A.60.020)
22 Fraudulent Creation or Revocation of a
23 Mental Health Advance Directive
24 (RCW 9A.60.060)
25 Malicious Mischief 2 (RCW
26 9A.48.080)
27 Mineral Trespass (RCW 78.44.330)
28 Possession of Stolen Property 2 (RCW
29 9A.56.160)
30 Reckless Burning 1 (RCW 9A.48.040)
31 Taking Motor Vehicle Without
32 Permission 2 (RCW 9A.56.075)
33 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-
2 purchased Property (valued at two
3 hundred fifty dollars or more but
4 less than one thousand five
5 hundred dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063(~~(4)~~)))
10 Unlawful Issuance of Checks or Drafts
11 (RCW 9A.56.060)
12 Unlawful Possession of Fictitious
13 Identification (RCW 9A.56.320)
14 Unlawful Possession of Instruments of
15 Financial Fraud (RCW 9A.56.320)
16 Unlawful Possession of Payment
17 Instruments (RCW 9A.56.320)
18 Unlawful Possession of a Personal
19 Identification Device (RCW
20 9A.56.320)
21 Unlawful Production of Payment
22 Instruments (RCW 9A.56.320)
23 Unlawful Trafficking in Food Stamps
24 (RCW 9.91.142)
25 Unlawful Use of Food Stamps (RCW
26 9.91.144)
27 Vehicle Prowl 1 (RCW 9A.52.095)

28 NEW SECTION. **Sec. 9.** This act takes effect August 1, 2009.

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