
SENATE BILL 6115

State of Washington

61st Legislature

2009 Regular Session

By Senators Benton, Carrell, Hewitt, McCaslin, Roach, Swecker, Stevens, Delvin, Honeyford, Morton, Schoesler, King, Becker, Parlette, Holmquist, and Sheldon

Read first time 03/04/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to sex offenders; amending RCW 10.95.020,
2 9.94A.540, 9A.44.130, and 9A.76.050; reenacting and amending RCW
3 9.94A.515, 9.95.204, and 9A.44.130; adding a new section to chapter
4 9A.76 RCW; creating new sections; prescribing penalties; providing an
5 effective date; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that Jessica Lunsford,
8 a nine-year old girl, was abducted from her bedroom at her
9 grandparent's home in the middle of the night on February 23, 2005. A
10 three-week long search was launched that gained Jessica the sympathy
11 and heartfelt prayers of the nation. On March 18, 2005, police found
12 Jessica's body buried in a shallow grave under the back porch of a home
13 where she had been sexually assaulted, buried alive, and murdered.
14 Therefore the legislature intends to enhance the penalties for, and
15 monitoring of, sex offenders.

16 **Sec. 2.** RCW 10.95.020 and 2003 c 53 s 96 are each amended to read
17 as follows:

18 A person is guilty of aggravated first degree murder, a class A

1 felony, if he or she commits first degree murder as defined by RCW
2 9A.32.030(1)(a), as now or hereafter amended, and one or more of the
3 following aggravating circumstances exist:

4 (1) The victim was a law enforcement officer, corrections officer,
5 or fire fighter who was performing his or her official duties at the
6 time of the act resulting in death and the victim was known or
7 reasonably should have been known by the person to be such at the time
8 of the killing;

9 (2) At the time of the act resulting in the death, the person was
10 serving a term of imprisonment, had escaped, or was on authorized or
11 unauthorized leave in or from a state facility or program for the
12 incarceration or treatment of persons adjudicated guilty of crimes;

13 (3) At the time of the act resulting in death, the person was in
14 custody in a county or county-city jail as a consequence of having been
15 adjudicated guilty of a felony;

16 (4) The person committed the murder pursuant to an agreement that
17 he or she would receive money or any other thing of value for
18 committing the murder;

19 (5) The person solicited another person to commit the murder and
20 had paid or had agreed to pay money or any other thing of value for
21 committing the murder;

22 (6) The person committed the murder to obtain or maintain his or
23 her membership or to advance his or her position in the hierarchy of an
24 organization, association, or identifiable group;

25 (7) The murder was committed during the course of or as a result of
26 a shooting where the discharge of the firearm, as defined in RCW
27 9.41.010, is either from a motor vehicle or from the immediate area of
28 a motor vehicle that was used to transport the shooter or the firearm,
29 or both, to the scene of the discharge;

30 (8) The victim was:

31 (a) A judge; juror or former juror; prospective, current, or former
32 witness in an adjudicative proceeding; prosecuting attorney; deputy
33 prosecuting attorney; defense attorney; a member of the indeterminate
34 sentence review board; or a probation or parole officer; and

35 (b) The murder was related to the exercise of official duties
36 performed or to be performed by the victim;

37 (9) The person committed the murder to conceal the commission of a

1 crime or to protect or conceal the identity of any person committing a
2 crime, including, but specifically not limited to, any attempt to avoid
3 prosecution as a persistent offender as defined in RCW 9.94A.030;

4 (10) There was more than one victim and the murders were part of a
5 common scheme or plan or the result of a single act of the person;

6 (11) The murder was committed in the course of, in furtherance of,
7 or in immediate flight from one of the following crimes:

8 (a) Robbery in the first or second degree;

9 (b) Rape in the first or second degree;

10 (c) Burglary in the first or second degree or residential burglary;

11 (d) Kidnapping in the first degree; or

12 (e) Arson in the first degree;

13 (12) The victim was regularly employed or self-employed as a
14 newsreporter and the murder was committed to obstruct or hinder the
15 investigative, research, or reporting activities of the victim;

16 (13) At the time the person committed the murder, there existed a
17 court order, issued in this or any other state, which prohibited the
18 person from either contacting the victim, molesting the victim, or
19 disturbing the peace of the victim, and the person had knowledge of the
20 existence of that order;

21 (14) At the time the person committed the murder, the person and
22 the victim were "family or household members" as that term is defined
23 in RCW 10.99.020(~~(+1)~~) (3), and the person had previously engaged in
24 a pattern or practice of three or more of the following crimes
25 committed upon the victim within a five-year period, regardless of
26 whether a conviction resulted:

27 (a) Harassment as defined in RCW 9A.46.020; or

28 (b) Any criminal assault;

29 (15) At the time the person committed the murder, the person was a
30 sexually violent predator, as defined in RCW 71.09.020.

31 **Sec. 3.** RCW 9.94A.540 and 2005 c 437 s 2 are each amended to read
32 as follows:

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

36 (a) An offender convicted of the crime of murder in the first

1 degree shall be sentenced to a term of total confinement not less than
2 twenty years.

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

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

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

14 (e) An offender convicted of the crime of rape of a child in the
15 first degree or child molestation in the first degree shall be
16 sentenced to a minimum term of total confinement not less than twenty-
17 five years. An offender sentenced under this subsection (1)(e) is
18 subject to lifetime supervision with electronic monitoring for any
19 period of partial confinement, including community supervision.

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

32 (3)(a) Subsection (1) of this section shall not be applied in
33 sentencing of juveniles tried as adults pursuant to RCW
34 13.04.030(1)(e)(i).

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

1 Indecent Liberties (with forcible
2 compulsion) (RCW
3 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Malicious explosion 3 (RCW
8 70.74.280(3))
9 Sexually Violent Predator Escape
10 (RCW 9A.76.115)
11 IX Abandonment of Dependent Person 1
12 (RCW 9A.42.060)
13 Assault of a Child 2 (RCW 9A.36.130)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 Hit and Run--Death (RCW
17 46.52.020(4)(a))
18 Homicide by Watercraft, by being
19 under the influence of intoxicating
20 liquor or any drug (RCW
21 79A.60.050)
22 Inciting Criminal Profiteering (RCW
23 9A.82.060(1)(b))
24 Malicious placement of an explosive 2
25 (RCW 70.74.270(2))
26 Robbery 1 (RCW 9A.56.200)
27 Sexual Exploitation (RCW 9.68A.040)
28 Vehicular Homicide, by being under
29 the influence of intoxicating liquor
30 or any drug (RCW 46.61.520)
31 VIII Arson 1 (RCW 9A.48.020)
32 Homicide by Watercraft, by the
33 operation of any vessel in a
34 reckless manner (RCW
35 79A.60.050)
36 Manslaughter 2 (RCW 9A.32.070)

1 Promoting Commercial Sexual Abuse
2 of a Minor (RCW 9.68A.101)
3 Promoting Prostitution 1 (RCW
4 9A.88.070)
5 Theft of Ammonia (RCW 69.55.010)
6 Vehicular Homicide, by the operation
7 of any vehicle in a reckless manner
8 (RCW 46.61.520)
9 VII Burglary 1 (RCW 9A.52.020)
10 Child Molestation 2 (RCW 9A.44.086)
11 Civil Disorder Training (RCW
12 9A.48.120)
13 Dealing in depictions of minor engaged
14 in sexually explicit conduct (RCW
15 9.68A.050)
16 Drive-by Shooting (RCW 9A.36.045)
17 Homicide by Watercraft, by disregard
18 for the safety of others (RCW
19 79A.60.050)
20 Indecent Liberties (without forcible
21 compulsion) (RCW 9A.44.100(1)
22 (b) and (c))
23 Introducing Contraband 1 (RCW
24 9A.76.140)
25 Malicious placement of an explosive 3
26 (RCW 70.74.270(3))
27 Negligently Causing Death By Use of a
28 Signal Preemption Device (RCW
29 46.37.675)
30 Sending, bringing into state depictions
31 of minor engaged in sexually
32 explicit conduct (RCW 9.68A.060)
33 Unlawful Possession of a Firearm in
34 the first degree (RCW 9.41.040(1))
35 Use of a Machine Gun in Commission
36 of a Felony (RCW 9.41.225)

1 Vehicular Homicide, by disregard for
2 the safety of others (RCW
3 46.61.520)

4 VI Bail Jumping with Murder 1 (RCW
5 9A.76.170(3)(a))
6 Bribery (RCW 9A.68.010)
7 Incest 1 (RCW 9A.64.020(1))
8 Intimidating a Judge (RCW 9A.72.160)
9 Intimidating a Juror/Witness (RCW
10 9A.72.110, 9A.72.130)
11 Malicious placement of an imitation
12 device 2 (RCW 70.74.272(1)(b))
13 Possession of Depictions of a Minor
14 Engaged in Sexually Explicit
15 Conduct (RCW 9.68A.070)
16 Rape of a Child 3 (RCW 9A.44.079)
17 Theft of a Firearm (RCW 9A.56.300)
18 Unlawful Storage of Ammonia (RCW
19 69.55.020)

20 V Abandonment of Dependent Person 2
21 (RCW 9A.42.070)
22 Advancing money or property for
23 extortionate extension of credit
24 (RCW 9A.82.030)
25 Bail Jumping with class A Felony
26 (RCW 9A.76.170(3)(b))
27 Child Molestation 3 (RCW 9A.44.089)
28 Criminal Mistreatment 2 (RCW
29 9A.42.030)
30 Custodial Sexual Misconduct 1 (RCW
31 9A.44.160)
32 Domestic Violence Court Order
33 Violation (RCW 10.99.040,
34 10.99.050, 26.09.300, 26.10.220,
35 26.26.138, 26.50.110, 26.52.070,
36 or 74.34.145)

1 Driving While Under the Influence
2 (RCW 46.61.502(6))
3 Extortion 1 (RCW 9A.56.120)
4 Extortionate Extension of Credit (RCW
5 9A.82.020)
6 Extortionate Means to Collect
7 Extensions of Credit (RCW
8 9A.82.040)
9 Incest 2 (RCW 9A.64.020(2))
10 Kidnapping 2 (RCW 9A.40.030)
11 Perjury 1 (RCW 9A.72.020)
12 Persistent prison misbehavior (RCW
13 9.94.070)
14 Physical Control of a Vehicle While
15 Under the Influence (RCW
16 46.61.504(6))
17 Possession of a Stolen Firearm (RCW
18 9A.56.310)
19 Rape 3 (RCW 9A.44.060)
20 Rendering Criminal Assistance 1
21 (RCW 9A.76.070)
22 Sexual Misconduct with a Minor 1
23 (RCW 9A.44.093)
24 Sexually Violating Human Remains
25 (RCW 9A.44.105)
26 Stalking (RCW 9A.46.110)
27 Taking Motor Vehicle Without
28 Permission 1 (RCW 9A.56.070)
29 IV Arson 2 (RCW 9A.48.030)
30 Assault 2 (RCW 9A.36.021)
31 Assault 3 (of a Peace Officer with a
32 Projectile Stun Gun) (RCW
33 9A.36.031(1)(h))
34 Assault by Watercraft (RCW
35 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9.46.1961)
5 Commercial Bribery (RCW 9A.68.060)
6 Counterfeiting (RCW 9.16.035(4))
7 Endangerment with a Controlled
8 Substance (RCW 9A.42.100)
9 Escape 1 (RCW 9A.76.110)
10 Hit and Run--Injury (RCW
11 46.52.020(4)(b))
12 Hit and Run with Vessel--Injury
13 Accident (RCW 79A.60.200(3))
14 Identity Theft 1 (RCW 9.35.020(2))
15 Indecent Exposure to Person Under
16 Age Fourteen (subsequent sex
17 offense) (RCW 9A.88.010)
18 Influencing Outcome of Sporting Event
19 (RCW 9A.82.070)
20 Malicious Harassment (RCW
21 9A.36.080)
22 Residential Burglary (RCW
23 9A.52.025)
24 Robbery 2 (RCW 9A.56.210)
25 Theft of Livestock 1 (RCW 9A.56.080)
26 Threats to Bomb (RCW 9.61.160)
27 Trafficking in Stolen Property 1 (RCW
28 9A.82.050)
29 Unlawful factoring of a credit card or
30 payment card transaction (RCW
31 9A.56.290(4)(b))
32 Unlawful transaction of health
33 coverage as a health care service
34 contractor (RCW 48.44.016(3))
35 Unlawful transaction of health
36 coverage as a health maintenance
37 organization (RCW 48.46.033(3))

1 Unlawful transaction of insurance
2 business (RCW 48.15.023(3))
3 Unlicensed practice as an insurance
4 professional (RCW
5 48.17.063(~~(3)~~)(2))
6 Use of Proceeds of Criminal
7 Profiteering (RCW 9A.82.080 (1)
8 and (2))
9 Vehicular Assault, by being under the
10 influence of intoxicating liquor or
11 any drug, or by the operation or
12 driving of a vehicle in a reckless
13 manner (RCW 46.61.522)
14 Willful Failure to Return from
15 Furlough (RCW 72.66.060)
16 III Animal Cruelty 1 (Sexual Conduct or
17 Contact) (RCW 16.52.205(3))
18 Assault 3 (Except Assault 3 of a Peace
19 Officer With a Projectile Stun
20 Gun) (RCW 9A.36.031 except
21 subsection (1)(h))
22 Assault of a Child 3 (RCW 9A.36.140)
23 Bail Jumping with class B or C Felony
24 (RCW 9A.76.170(3)(c))
25 Burglary 2 (RCW 9A.52.030)
26 Commercial Sexual Abuse of a Minor
27 (RCW 9.68A.100)
28 Communication with a Minor for
29 Immoral Purposes (RCW
30 9.68A.090)
31 Criminal Gang Intimidation (RCW
32 9A.46.120)
33 Custodial Assault (RCW 9A.36.100)
34 Cyberstalking (subsequent conviction
35 or threat of death) (RCW
36 9.61.260(3))
37 Escape 2 (RCW 9A.76.120)

1 Extortion 2 (RCW 9A.56.130)
2 Harassment (RCW 9A.46.020)
3 Intimidating a Public Servant (RCW
4 9A.76.180)
5 Introducing Contraband 2 (RCW
6 9A.76.150)
7 Malicious Injury to Railroad Property
8 (RCW 81.60.070)
9 Mortgage Fraud (RCW 19.144.080)
10 Negligently Causing Substantial Bodily
11 Harm By Use of a Signal
12 Preemption Device (RCW
13 46.37.674)
14 Organized Retail Theft 1 (RCW
15 9A.56.350(2))
16 Perjury 2 (RCW 9A.72.030)
17 Possession of Incendiary Device (RCW
18 9.40.120)
19 Possession of Machine Gun or Short-
20 Barreled Shotgun or Rifle (RCW
21 9.41.190)
22 Promoting Prostitution 2 (RCW
23 9A.88.080)
24 Retail Theft with Extenuating
25 Circumstances 1 (RCW
26 9A.56.360(2))
27 Securities Act violation (RCW
28 21.20.400)
29 Tampering with a Witness (RCW
30 9A.72.120)
31 Telephone Harassment (subsequent
32 conviction or threat of death)
33 (RCW 9.61.230(2))
34 Theft of Livestock 2 (RCW 9A.56.083)
35 Theft with the Intent to Resell 1 (RCW
36 9A.56.340(2))

1 Trafficking in Stolen Property 2 (RCW
2 9A.82.055)
3 Unlawful Imprisonment (RCW
4 9A.40.040)
5 Unlawful possession of firearm in the
6 second degree (RCW 9A.41.040(2))
7 Vehicular Assault, by the operation or
8 driving of a vehicle with disregard
9 for the safety of others (RCW
10 46.61.522)
11 Willful Failure to Return from Work
12 Release (RCW 72.65.070)
13 II Computer Trespass 1 (RCW
14 9A.52.110)
15 Counterfeiting (RCW 9.16.035(3))
16 Escape from Community Custody
17 (RCW 72.09.310)
18 Failure to Register as a Sex Offender
19 (second or subsequent offense)
20 (RCW 9A.44.130(11)(a))
21 Health Care False Claims (RCW
22 48.80.030)
23 Identity Theft 2 (RCW 9.35.020(3))
24 Improperly Obtaining Financial
25 Information (RCW 9.35.010)
26 Malicious Mischief 1 (RCW
27 9A.48.070)
28 Organized Retail Theft 2 (RCW
29 9A.56.350(3))
30 Possession of Stolen Property 1 (RCW
31 9A.56.150)
32 Possession of a Stolen Vehicle (RCW
33 9A.56.068)
34 Retail Theft with Extenuating
35 Circumstances 2 (RCW
36 9A.56.360(3))
37 Theft 1 (RCW 9A.56.030)

1 Theft of a Motor Vehicle (RCW
2 9A.56.065)
3 Theft of Rental, Leased, or Lease-
4 purchased Property (valued at one
5 thousand five hundred dollars or
6 more) (RCW 9A.56.096(5)(a))
7 Theft with the Intent to Resell 2 (RCW
8 9A.56.340(3))
9 Trafficking in Insurance Claims (RCW
10 48.30A.015)
11 Unlawful factoring of a credit card or
12 payment card transaction (RCW
13 9A.56.290(4)(a))
14 Unlawful Practice of Law (RCW
15 2.48.180)
16 Unlicensed Practice of a Profession or
17 Business (RCW 18.130.190(7))
18 Voyeurism (RCW 9A.44.115)
19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forgery (RCW 9A.60.020)
24 Fraudulent Creation or Revocation of a
25 Mental Health Advance Directive
26 (RCW 9A.60.060)
27 Malicious Mischief 2 (RCW
28 9A.48.080)
29 Mineral Trespass (RCW 78.44.330)
30 Possession of Stolen Property 2 (RCW
31 9A.56.160)
32 Reckless Burning 1 (RCW 9A.48.040)
33 Taking Motor Vehicle Without
34 Permission 2 (RCW 9A.56.075)
35 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 **Sec. 5.** RCW 9.95.204 and 2005 c 400 s 2 and 2005 c 362 s 3 are
29 each reenacted and amended to read as follows:

30 (1) When a superior court places a defendant convicted of a
31 misdemeanor or gross misdemeanor on probation and orders supervision
32 under RCW 9.92.060 or 9.95.210, the department of corrections has
33 initial responsibility for supervision of that defendant.

34 (2) A county legislative authority may assume responsibility for
35 the supervision of all defendants within its jurisdiction who have been
36 convicted of a misdemeanor or gross misdemeanor and sentenced to

1 probation by a superior court. The assumption of responsibility shall
2 be made by contract with the department of corrections on a biennial
3 basis.

4 (3) If a county assumes supervision responsibility, the county
5 shall supervise all superior court misdemeanor probationers within
6 that county for the duration of the biennium, as set forth in the
7 contract with the department of corrections.

8 (4) A contract between a county legislative authority and the
9 department of corrections for the transfer of supervision
10 responsibility must include, at a minimum, the following provisions:

11 (a) The county's agreement to supervise all misdemeanor
12 probationers who are sentenced by a superior court within that county
13 and who reside within that county;

14 (b) A reciprocal agreement regarding the supervision of superior
15 court misdemeanor probationers sentenced in one county but who reside
16 in another county;

17 (c) The county's agreement to comply with the minimum standards for
18 classification and supervision of offenders as required under RCW
19 9.95.206;

20 (d) The amount of funds available from the department of
21 corrections to the county for supervision of superior court
22 misdemeanor probationers, calculated according to a formula
23 established by the department of corrections;

24 (e) A method for the payment of funds by the department of
25 corrections to the county;

26 (f) The county's agreement that any funds received by the county
27 under the contract will be expended only to cover costs of supervision
28 of superior court misdemeanor probationers;

29 (g) The county's agreement to account to the department of
30 corrections for the expenditure of all funds received under the
31 contract and to submit to audits for compliance with the supervision
32 standards and financial requirements of this section;

33 (h) Provisions regarding rights and remedies in the event of a
34 possible breach of contract or default by either party; and

35 (i) Provisions allowing for voluntary termination of the contract
36 by either party, with good cause, after sixty days' written notice.

37 (5) If the contract between the county and the department of
38 corrections is terminated for any reason, the department of corrections

1 shall reassume responsibility for supervision of superior court
2 misdemeanor probationers within that county. In such an event, the
3 department of corrections retains any and all rights and remedies
4 available by law and under the contract.

5 (6) The state of Washington, the department of corrections and its
6 employees, community corrections officers, and volunteers who assist
7 community corrections officers are not liable for any harm caused by
8 the actions of a superior court misdemeanor probationer who is under
9 the supervision of a county. A county, its probation department and
10 employees, probation officers, and volunteers who assist probation
11 officers are not liable for any harm caused by the actions of a
12 superior court misdemeanor probationer who is under the supervision of
13 the department of corrections. This subsection applies regardless of
14 whether the supervising entity is in compliance with the standards of
15 supervision at the time of the misdemeanor probationer's actions.

16 (7) The state of Washington, the department of corrections and its
17 employees, community corrections officers, any county under contract
18 with the department of corrections pursuant to this section and its
19 employees, probation officers, and volunteers who assist community
20 corrections officers and probation officers in the superior court
21 misdemeanor probation program are not liable for civil damages
22 resulting from any act or omission in the rendering of superior court
23 misdemeanor probation activities unless the act or omission
24 constitutes gross negligence. For purposes of this section,
25 "volunteers" is defined according to RCW 51.12.035.

26 (8) The provisions of RCW 9.94A.501 apply to sentences imposed
27 under this section.

28 (9)(a) If a misdemeanor probationer requests permission to travel
29 or transfer to another state, the assigned probation officer employed
30 or contracted for by the county shall determine whether such request is
31 subject to RCW 9.94A.745, the interstate compact for adult offender
32 supervision. If such request is subject to the compact, the probation
33 officer shall:

34 (i) Notify the department of corrections of the probationer's
35 request;

36 (ii) Provide the department of corrections with the supporting
37 documentation it requests for processing an application for transfer;

1 (iii) Notify the probationer of the fee due to the department of
2 corrections for processing an application under the compact;

3 (iv) Cease supervision of the probationer while another state
4 supervises the probationer pursuant to the compact;

5 (v) Resume supervision if the probationer returns to this state
6 before the term of probation expires.

7 (b) The probationer shall receive credit for time served while
8 being supervised by another state.

9 (10) Whenever the department or a county assumes supervisory
10 responsibility for a misdemeanor probationer, the department or the
11 county shall determine whether or not the probationer is listed in the
12 central registry of sex offenders and kidnapping offenders.

13 **Sec. 6.** RCW 9A.44.130 and 2006 c 129 s 2, 2006 c 128 s 2, 2006 c
14 127 s 2, and 2006 c 126 s 2 are each reenacted and amended to read as
15 follows:

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

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

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

1 classes, whichever is earlier, notify the sheriff for the county of the
2 person's residence of the person's intent to attend the school, and the
3 sheriff shall promptly notify the principal of the school;

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (c) Any person required to register pursuant to this section shall
24 verify, under penalty of law and with the county sheriff, twice a year
25 that all of the information required in this subsection remains
26 accurate. Failure to verify registration information twice a year
27 constitutes a per se violation of this section and is punishable as
28 provided in subsection (11) of this section.

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

33 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
34 offense on, before, or after February 28, 1990, and who, on or after
35 July 28, 1991, are in custody, as a result of that offense, of the
36 state department of corrections, the state department of social and
37 health services, a local division of youth services, or a local jail or
38 juvenile detention facility, and (B) kidnapping offenders who on or

1 after July 27, 1997, are in custody of the state department of
2 corrections, the state department of social and health services, a
3 local division of youth services, or a local jail or juvenile detention
4 facility, must register at the time of release from custody with an
5 official designated by the agency that has jurisdiction over the
6 offender. The agency shall within three days forward the registration
7 information to the county sheriff for the county of the offender's
8 anticipated residence. The offender must also register within twenty-
9 four hours from the time of release with the county sheriff for the
10 county of the person's residence, or if the person is not a resident of
11 Washington, the county of the person's school, or place of employment
12 or vocation. The agency that has jurisdiction over the offender shall
13 provide notice to the offender of the duty to register. Failure to
14 register at the time of release and within twenty-four hours of release
15 constitutes a violation of this section and is punishable as provided
16 in subsection (11) of this section.

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

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

1 local division of youth services, for kidnapping offenses committed
2 before, on, or after July 27, 1997, must register within ten days of
3 July 27, 1997. A change in supervision status of a sex offender who
4 was required to register under this subsection (4)(a)(ii) as of July
5 28, 1991, or a kidnapping offender required to register as of July 27,
6 1997, shall not relieve the offender of the duty to register or to
7 reregister following a change in residence. The obligation to register
8 shall only cease pursuant to RCW 9A.44.140.

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

36 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
37 who are convicted of a sex offense on or after July 28, 1991, for a sex
38 offense that was committed on or after February 28, 1990, and

1 kidnapping offenders who are convicted on or after July 27, 1997, for
2 a kidnapping offense that was committed on or after July 27, 1997, but
3 who are not sentenced to serve a term of confinement immediately upon
4 sentencing, shall report to the county sheriff to register immediately
5 upon completion of being sentenced.

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

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

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

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

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

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

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

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

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

22 (5)(a) If any person required to register pursuant to this section
23 changes his or her residence address within the same county, the person
24 must send signed written notice of the change of address to the county
25 sheriff within seventy-two hours of moving. If any person required to
26 register pursuant to this section moves to a new county, the person
27 must send signed written notice of the change of address at least
28 fourteen days before moving to the county sheriff in the new county of
29 residence and must register with that county sheriff within twenty-four
30 hours of moving. The person must also send signed written notice
31 within ten days of the change of address in the new county to the
32 county sheriff with whom the person last registered. The county
33 sheriff with whom the person last registered shall promptly forward the
34 information concerning the change of address to the county sheriff for
35 the county of the person's new residence. Upon receipt of notice of
36 change of address to a new state, the county sheriff shall promptly
37 forward the information regarding the change of address to the agency

1 designated by the new state as the state's offender registration
2 agency.

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

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

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

31 (c) If any person required to register pursuant to this section
32 does not have a fixed residence, it is an affirmative defense to the
33 charge of failure to register, that he or she provided written notice
34 to the sheriff of the county where he or she last registered within
35 forty-eight hours excluding weekends and holidays after ceasing to have
36 a fixed residence and has subsequently complied with the requirements
37 of subsections (4)(a)(vii) or (viii) and (6) of this section. To

1 prevail, the person must prove the defense by a preponderance of the
2 evidence.

3 (7) All offenders who are required to register pursuant to this
4 section who have a fixed residence and who are designated as a risk
5 level II or III must report, in person, every ninety days to the
6 sheriff of the county where he or she is registered. Reporting shall
7 be on a day specified by the county sheriff's office, and shall occur
8 during normal business hours. An offender who complies with the
9 ninety-day reporting requirement with no violations for a period of at
10 least five years in the community may petition the superior court to be
11 relieved of the duty to report every ninety days. The petition shall
12 be made to the superior court in the county where the offender resides
13 or reports under this section. The prosecuting attorney of the county
14 shall be named and served as respondent in any such petition. The
15 court shall relieve the petitioner of the duty to report if the
16 petitioner shows, by a preponderance of the evidence, that the
17 petitioner has complied with the reporting requirement for a period of
18 at least five years and that the offender has not been convicted of a
19 criminal violation of this section for a period of at least five years,
20 and the court determines that the reporting no longer serves a public
21 safety purpose. Failure to report, as specified, constitutes a
22 violation of this section and is punishable as provided in subsection
23 (11) of this section.

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

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

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

6 (10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
7 70.48.470, and 72.09.330:

8 (a) "Sex offense" means:

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

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

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

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

17 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
18 criminal attempt, criminal solicitation, or criminal conspiracy to
19 commit an offense that is classified as a sex offense under RCW
20 9.94A.030 or this subsection.

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

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

37 (d) "Student" means a person who is enrolled, on a full-time or

1 part-time basis, in any public or private educational institution. An
2 educational institution includes any secondary school, trade or
3 professional institution, or institution of higher education.

4 (11)(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 sex offense as
7 defined in subsection (10)(a) of this section or a federal or out-of-
8 state conviction for an offense that under the laws of this state would
9 be a felony sex offense as defined in subsection (10)(a) of this
10 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~~) class C felony.

15 (12)(a) A person who knowingly fails to comply with any of the
16 requirements of this section is guilty of a class C felony if the crime
17 for which the individual was convicted was a felony kidnapping offense
18 as defined in subsection (10)(b) of this section or a federal or out-
19 of-state conviction for an offense that under the laws of this state
20 would be a felony kidnapping offense as defined in subsection (10)(b)
21 of this section.

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

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

30 **Sec. 7.** RCW 9A.44.130 and 2008 c 230 s 1 are each amended to read
31 as follows:

32 (1)(a) Any adult or juvenile residing whether or not the person has
33 a fixed residence, or who is a student, is employed, or carries on a
34 vocation in this state who has been found to have committed or has been
35 convicted of any sex offense or kidnapping offense, or who has been
36 found not guilty by reason of insanity under chapter 10.77 RCW of
37 committing any sex offense or kidnapping offense, shall register with

1 the county sheriff for the county of the person's residence, or if the
2 person is not a resident of Washington, the county of the person's
3 school, or place of employment or vocation, or as otherwise specified
4 in this section. Where a person required to register under this
5 section is in custody of the state department of corrections, the state
6 department of social and health services, a local division of youth
7 services, or a local jail or juvenile detention facility as a result of
8 a sex offense or kidnapping offense, the person shall also register at
9 the time of release from custody with an official designated by the
10 agency that has jurisdiction over the person.

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

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

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

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

29 (iv) Whose enrollment or employment at a public or private
30 institution of higher education is terminated shall, within ten days of
31 such termination, notify the sheriff for the county of the person's
32 residence of the person's termination of enrollment or employment at
33 the institution.

34 (c) Persons required to register under this section who are
35 enrolled in a public or private institution of higher education on June
36 11, 1998, or a public or private school regulated under Title 28A RCW
37 or chapter 72.40 RCW on September 1, 2006, must notify the county
38 sheriff immediately.

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

5 (e)(i) A principal receiving notice under this subsection must
6 disclose the information received from the sheriff under (b) of this
7 subsection as follows:

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

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

19 (ii) Any information received by a principal or school personnel
20 under this subsection is confidential and may not be further
21 disseminated except as provided in RCW 28A.225.330, other statutes or
22 case law, and the family and educational and privacy rights act of
23 1994, 20 U.S.C. Sec. 1232g et seq.

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

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

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

1 (c) Any person required to register pursuant to this section shall
2 verify, under penalty of law and with the county sheriff, twice a year
3 that all of the information required in this subsection remains
4 accurate. Failure to verify registration information twice a year
5 constitutes a per se violation of this section and is punishable as
6 provided in subsection (11) of this section.

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

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

33 When the agency with jurisdiction intends to release an offender
34 with a duty to register under this section, and the agency has
35 knowledge that the offender is eligible for developmental disability
36 services from the department of social and health services, the agency
37 shall notify the division of developmental disabilities of the release.
38 Notice shall occur not more than thirty days before the offender is to

1 be released. The agency and the division shall assist the offender in
2 meeting the initial registration requirement under this section.
3 Failure to provide such assistance shall not constitute a defense for
4 any violation of this section.

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

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

1 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
2 in custody but are under the jurisdiction of the United States bureau
3 of prisons, United States courts, United States parole commission, or
4 military parole board for kidnapping offenses committed before, on, or
5 after July 27, 1997, must register within ten days of July 27, 1997.
6 A change in supervision status of a sex offender who was required to
7 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
8 kidnapping offender required to register as of July 27, 1997 shall not
9 relieve the offender of the duty to register or to reregister following
10 a change in residence, or if the person is not a resident of
11 Washington, the county of the person's school, or place of employment
12 or vocation. The obligation to register shall only cease pursuant to
13 RCW 9A.44.140.

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

22 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
23 RESIDENTS. Sex offenders and kidnapping offenders who move to
24 Washington state from another state or a foreign country that are not
25 under the jurisdiction of the state department of corrections, the
26 indeterminate sentence review board, or the state department of social
27 and health services at the time of moving to Washington, must register
28 within three business days of establishing residence or reestablishing
29 residence if the person is a former Washington resident. The duty to
30 register under this subsection applies to sex offenders convicted under
31 the laws of another state or a foreign country, federal or military
32 statutes for offenses committed before, on, or after February 28, 1990,
33 or Washington state for offenses committed before, on, or after
34 February 28, 1990, and to kidnapping offenders convicted under the laws
35 of another state or a foreign country, federal or military statutes, or
36 Washington state for offenses committed before, on, or after July 27,
37 1997. Sex offenders and kidnapping offenders from other states or a
38 foreign country who, when they move to Washington, are under the

1 jurisdiction of the department of corrections, the indeterminate
2 sentence review board, or the department of social and health services
3 must register within twenty-four hours of moving to Washington. The
4 agency that has jurisdiction over the offender shall notify the
5 offender of the registration requirements before the offender moves to
6 Washington.

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

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

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

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

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

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

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

37 (5)(a) If any person required to register pursuant to this section
38 changes his or her residence address within the same county, the person

1 must send signed written notice of the change of address to the county
2 sheriff within seventy-two hours of moving. If any person required to
3 register pursuant to this section moves to a new county, the person
4 must send signed written notice of the change of address at least
5 fourteen days before moving to the county sheriff in the new county of
6 residence and must register with that county sheriff within twenty-four
7 hours of moving. The person must also send signed written notice
8 within ten days of the change of address in the new county to the
9 county sheriff with whom the person last registered. The county
10 sheriff with whom the person last registered shall promptly forward the
11 information concerning the change of address to the county sheriff for
12 the county of the person's new residence. Upon receipt of notice of
13 change of address to a new state, the county sheriff shall promptly
14 forward the information regarding the change of address to the agency
15 designated by the new state as the state's offender registration
16 agency.

17 (b) It is an affirmative defense to a charge that the person failed
18 to send a notice at least fourteen days in advance of moving as
19 required under (a) of this subsection that the person did not know the
20 location of his or her new residence at least fourteen days before
21 moving. The defendant must establish the defense by a preponderance of
22 the evidence and, to prevail on the defense, must also prove by a
23 preponderance that the defendant sent the required notice within
24 twenty-four hours of determining the new address.

25 (6)(a) Any person required to register under this section who lacks
26 a fixed residence shall provide signed written notice to the sheriff of
27 the county where he or she last registered within forty-eight hours
28 excluding weekends and holidays after ceasing to have a fixed
29 residence. The notice shall include the information required by
30 subsection (3)(b) of this section, except the photograph and
31 fingerprints. The county sheriff may, for reasonable cause, require
32 the offender to provide a photograph and fingerprints. The sheriff
33 shall forward this information to the sheriff of the county in which
34 the person intends to reside, if the person intends to reside in
35 another county.

36 (b) A person who lacks a fixed residence must report weekly, in
37 person, to the sheriff of the county where he or she is registered.
38 The weekly report shall be on a day specified by the county sheriff's

1 office, and shall occur during normal business hours. The county
2 sheriff's office may require the person to list the locations where the
3 person has stayed during the last seven days. The lack of a fixed
4 residence is a factor that may be considered in determining an
5 offender's risk level and shall make the offender subject to disclosure
6 of information to the public at large pursuant to RCW 4.24.550.

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

16 (7) All offenders who are required to register pursuant to this
17 section who have a fixed residence and who are designated as a risk
18 level II or III must report, in person, every ninety days to the
19 sheriff of the county where he or she is registered. Reporting shall
20 be on a day specified by the county sheriff's office, and shall occur
21 during normal business hours. An offender who complies with the
22 ninety-day reporting requirement with no violations for a period of at
23 least five years in the community may petition the superior court to be
24 relieved of the duty to report every ninety days. The petition shall
25 be made to the superior court in the county where the offender resides
26 or reports under this section. The prosecuting attorney of the county
27 shall be named and served as respondent in any such petition. The
28 court shall relieve the petitioner of the duty to report if the
29 petitioner shows, by a preponderance of the evidence, that the
30 petitioner has complied with the reporting requirement for a period of
31 at least five years and that the offender has not been convicted of a
32 criminal violation of this section for a period of at least five years,
33 and the court determines that the reporting no longer serves a public
34 safety purpose. Failure to report, as specified, constitutes a
35 violation of this section and is punishable as provided in subsection
36 (11) of this section.

37 (8) A sex offender subject to registration requirements under this
38 section who applies to change his or her name under RCW 4.24.130 or any

1 other law shall submit a copy of the application to the county sheriff
2 of the county of the person's residence and to the state patrol not
3 fewer than five days before the entry of an order granting the name
4 change. No sex offender under the requirement to register under this
5 section at the time of application shall be granted an order changing
6 his or her name if the court finds that doing so will interfere with
7 legitimate law enforcement interests, except that no order shall be
8 denied when the name change is requested for religious or legitimate
9 cultural reasons or in recognition of marriage or dissolution of
10 marriage. A sex offender under the requirement to register under this
11 section who receives an order changing his or her name shall submit a
12 copy of the order to the county sheriff of the county of the person's
13 residence and to the state patrol within five days of the entry of the
14 order.

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

18 (10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
19 70.48.470, and 72.09.330:

20 (a) "Sex offense" means:

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

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

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

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

29 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
30 criminal attempt, criminal solicitation, or criminal conspiracy to
31 commit an offense that is classified as a sex offense under RCW
32 9.94A.030 or this subsection.

33 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
34 the first degree, kidnapping in the second degree, and unlawful
35 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
36 minor and the offender is not the minor's parent; (ii) any offense that
37 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
38 or criminal conspiracy to commit an offense that is classified as a

1 kidnapping offense under this subsection (10)(b); and (iii) any federal
2 or out-of-state conviction for an offense that under the laws of this
3 state would be classified as a kidnapping offense under this subsection
4 (10)(b).

5 (c) "Employed" or "carries on a vocation" means employment that is
6 full-time or part-time for a period of time exceeding fourteen days, or
7 for an aggregate period of time exceeding thirty days during any
8 calendar year. A person is employed or carries on a vocation whether
9 the person's employment is financially compensated, volunteered, or for
10 the purpose of government or educational benefit.

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

15 (11)(a) A person who knowingly fails to comply with any of the
16 requirements of this section is guilty of a class B felony if the crime
17 for which the individual was convicted was a felony sex offense as
18 defined in subsection (10)(a) of this section or a federal or out-of-
19 state conviction for an offense that under the laws of this state would
20 be a felony sex offense as defined in subsection (10)(a) of this
21 section.

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

26 (12)(a) A person who knowingly fails to comply with any of the
27 requirements of this section is guilty of a class C felony if the crime
28 for which the individual was convicted was a felony kidnapping offense
29 as defined in subsection (10)(b) of this section or a federal or out-
30 of-state conviction for an offense that under the laws of this state
31 would be a felony kidnapping offense as defined in subsection (10)(b)
32 of this section.

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

37 (13) Except as may otherwise be provided by law, nothing in this

1 section shall impose any liability upon a peace officer, including a
2 county sheriff, or law enforcement agency, for failing to release
3 information authorized under this section.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 9A.76 RCW
5 to read as follows:

6 (1) A person is guilty of rendering assistance to a sex offender if
7 the person knows that a sex offender required to register under RCW
8 9A.44.130 is not complying, or has not complied, with the requirements
9 of RCW 9A.44.130 and, with the intent to assist the sex offender
10 required to register in eluding a law enforcement agency that is
11 seeking to find the sex offender to question the person about, or to
12 arrest the person for, his or her noncompliance with the requirements
13 of RCW 9A.44.130, the person:

14 (a) Withholds information from, or does not notify, the law
15 enforcement agency about the sex offender's noncompliance with the
16 requirements of RCW 9A.44.130 and, if known, the whereabouts of the sex
17 offender;

18 (b) Harbors or attempts to harbor, or assists another person in
19 harboring or attempting to harbor, the sex offender;

20 (c) Hides or attempts to hide, or assists another person in hiding
21 or attempting to hide, the sex offender; or

22 (d) Provides information to the law enforcement agency regarding
23 the sex offender which the person knows to be false information,
24 commits a felony of the third degree. This subsection (1)(d) does not
25 apply if the sex offender is incarcerated in or is in the custody of a
26 state correctional facility, a local jail, or a federal correctional
27 facility.

28 (2) Rendering assistance to a sex offender is a class C felony.

29 **Sec. 9.** RCW 9A.76.050 and 1982 1st ex.s. c 47 s 20 are each
30 amended to read as follows:

31 As used in RCW 9A.76.070, 9A.76.080, and 9A.76.090, a person
32 "renders criminal assistance" if, under circumstances not amounting to
33 a violation of section 8 of this act, with intent to prevent, hinder,
34 or delay the apprehension or prosecution of another person who he or
35 she knows has committed a crime or juvenile offense or is being sought

1 by law enforcement officials for the commission of a crime or juvenile
2 offense or has escaped from a detention facility, he or she:

3 (1) Harbors or conceals such person; or

4 (2) Warns such person of impending discovery or apprehension; or

5 (3) Provides such person with money, transportation, disguise, or
6 other means of avoiding discovery or apprehension; or

7 (4) Prevents or obstructs, by use of force, deception, or threat,
8 anyone from performing an act that might aid in the discovery or
9 apprehension of such person; or

10 (5) Conceals, alters, or destroys any physical evidence that might
11 aid in the discovery or apprehension of such person; or

12 (6) Provides such person with a weapon.

13 NEW SECTION. **Sec. 10.** This act shall be known and cited as the
14 "Jessica Lunsford Act."

15 NEW SECTION. **Sec. 11.** Section 6 of this act expires ninety days
16 after adjournment sine die of the 2010 legislative session.

17 NEW SECTION. **Sec. 12.** Section 7 of this act takes effect ninety
18 days after adjournment sine die of the 2010 legislative session.

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