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**HOUSE BILL 1180**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Farivar, Goodman, and Reed

Prefiled 01/07/25.

1 AN ACT Relating to implementing certain recommendations from the  
2 sex offender policy board concerning the criminal offense of failure  
3 to register; amending RCW 9A.44.132, 9A.44.140, 9.94A.030, 9.94A.030,  
4 9A.44.144, 9.94A.701, 9.94A.701, and 72.09.270; reenacting and  
5 amending RCW 9.94A.515; adding a new section to chapter 9A.44 RCW;  
6 creating new sections; providing an effective date; and providing an  
7 expiration date.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that addressing and  
10 stopping recidivism is of high importance. The legislature further  
11 finds that in 2022, the sex offender policy board published a report  
12 including several recommendations for retaining but amending the laws  
13 concerning the criminal offense of failing to register as a sex  
14 offender. In its report, the board identified that the implementation  
15 of sex offender registration laws over the past 25 years has had no  
16 effect on recidivism and that current practices are not achieving the  
17 community protection act's goal of improved public safety. It is the  
18 legislature's intent to adopt several of the board's recommendations  
19 relating to this offense, each of which obtained unanimous support of  
20 the board.



1 X Child Molestation 1 (RCW 9A.44.083)  
2 Criminal Mistreatment 1 (RCW  
3 9A.42.020)  
4 Indecent Liberties (with forcible  
5 compulsion) (RCW  
6 9A.44.100(1)(a))  
7 Kidnapping 1 (RCW 9A.40.020)  
8 Leading Organized Crime (RCW  
9 9A.82.060(1)(a))  
10 Malicious explosion 3 (RCW  
11 70.74.280(3))  
12 Sexually Violent Predator Escape (RCW  
13 9A.76.115)  
14 IX Abandonment of Dependent Person 1  
15 (RCW 9A.42.060)  
16 Assault of a Child 2 (RCW 9A.36.130)  
17 Explosive devices prohibited (RCW  
18 70.74.180)  
19 Hit and Run—Death (RCW  
20 46.52.020(4)(a))  
21 Homicide by Watercraft, by being under  
22 the influence of intoxicating liquor  
23 or any drug (RCW 79A.60.050)  
24 Inciting Criminal Profiteering (RCW  
25 9A.82.060(1)(b))  
26 Malicious placement of an explosive 2  
27 (RCW 70.74.270(2))  
28 Robbery 1 (RCW 9A.56.200)  
29 Sexual Exploitation (RCW 9.68A.040)  
30 VIII Arson 1 (RCW 9A.48.020)  
31 Commercial Sexual Abuse of a Minor  
32 (RCW 9.68A.100)  
33 Homicide by Watercraft, by the  
34 operation of any vessel in a reckless  
35 manner (RCW 79A.60.050)

1 Manslaughter 2 (RCW 9A.32.070)  
2 Promoting Prostitution 1 (RCW  
3 9A.88.070)  
4 Theft of Ammonia (RCW 69.55.010)  
5 VII Air bag diagnostic systems (causing  
6 bodily injury or death) (RCW  
7 46.37.660(2)(b))  
8 Air bag replacement requirements  
9 (causing bodily injury or death)  
10 (RCW 46.37.660(1)(b))  
11 Burglary 1 (RCW 9A.52.020)  
12 Child Molestation 2 (RCW 9A.44.086)  
13 Civil Disorder Training (RCW  
14 9A.48.120)  
15 Custodial Sexual Misconduct 1 (RCW  
16 9A.44.160)  
17 Dealing in depictions of minor engaged  
18 in sexually explicit conduct 1  
19 (RCW 9.68A.050(1))  
20 Drive-by Shooting (RCW 9A.36.045)  
21 False Reporting 1 (RCW  
22 9A.84.040(2)(a))  
23 Homicide by Watercraft, by disregard  
24 for the safety of others (RCW  
25 79A.60.050)  
26 Indecent Liberties (without forcible  
27 compulsion) (RCW 9A.44.100(1)  
28 (b) and (c))  
29 Introducing Contraband 1 (RCW  
30 9A.76.140)  
31 Malicious placement of an explosive 3  
32 (RCW 70.74.270(3))

1 Manufacture or import counterfeit,  
2 nonfunctional, damaged, or  
3 previously deployed air bag  
4 (causing bodily injury or death)  
5 (RCW 46.37.650(1)(b))  
6 Negligently Causing Death By Use of a  
7 Signal Preemption Device (RCW  
8 46.37.675)  
9 Sell, install, or reinstall counterfeit,  
10 nonfunctional, damaged, or  
11 previously deployed airbag (RCW  
12 46.37.650(2)(b))  
13 Sending, bringing into state depictions  
14 of minor engaged in sexually  
15 explicit conduct 1 (RCW  
16 9.68A.060(1))  
17 Unlawful Possession of a Firearm in the  
18 first degree (RCW 9.41.040(1))  
19 Use of a Machine Gun or Bump-fire  
20 Stock in Commission of a Felony  
21 (RCW 9.41.225)  
22 Vehicular Homicide, by disregard for  
23 the safety of others (RCW  
24 46.61.520)  
25 VI Bail Jumping with Murder 1 (RCW  
26 9A.76.170(3)(a))  
27 Bribery (RCW 9A.68.010)  
28 Incest 1 (RCW 9A.64.020(1))  
29 Intimidating a Judge (RCW 9A.72.160)  
30 Intimidating a Juror/Witness (RCW  
31 9A.72.110, 9A.72.130)  
32 Malicious placement of an imitation  
33 device 2 (RCW 70.74.272(1)(b))  
34 Possession of Depictions of a Minor  
35 Engaged in Sexually Explicit  
36 Conduct 1 (RCW 9.68A.070(1))

1 Rape of a Child 3 (RCW 9A.44.079)  
2 Theft of a Firearm (RCW 9A.56.300)  
3 Theft from a Vulnerable Adult 1 (RCW  
4 9A.56.400(1))  
5 Unlawful Storage of Ammonia (RCW  
6 69.55.020)  
7 V Abandonment of Dependent Person 2  
8 (RCW 9A.42.070)  
9 Advancing money or property for  
10 extortionate extension of credit  
11 (RCW 9A.82.030)  
12 Air bag diagnostic systems (RCW  
13 46.37.660(2)(c))  
14 Air bag replacement requirements  
15 (RCW 46.37.660(1)(c))  
16 Bail Jumping with class A Felony  
17 (RCW 9A.76.170(3)(b))  
18 Child Molestation 3 (RCW 9A.44.089)  
19 Criminal Mistreatment 2 (RCW  
20 9A.42.030)  
21 Custodial Sexual Misconduct 2 (RCW  
22 9A.44.170)  
23 Dealing in Depictions of Minor  
24 Engaged in Sexually Explicit  
25 Conduct 2 (RCW 9.68A.050(2))  
26 Domestic Violence Court Order  
27 Violation (RCW 7.105.450,  
28 10.99.040, 10.99.050, 26.09.300,  
29 26.26B.050, or 26.52.070)  
30 Extortion 1 (RCW 9A.56.120)  
31 Extortionate Extension of Credit (RCW  
32 9A.82.020)  
33 Extortionate Means to Collect  
34 Extensions of Credit (RCW  
35 9A.82.040)  
36 Incest 2 (RCW 9A.64.020(2))

1 Kidnapping 2 (RCW 9A.40.030)  
2 Manufacture or import counterfeit,  
3 nonfunctional, damaged, or  
4 previously deployed air bag (RCW  
5 46.37.650(1)(c))  
6 Perjury 1 (RCW 9A.72.020)  
7 Persistent prison misbehavior (RCW  
8 9.94.070)  
9 Possession of a Stolen Firearm (RCW  
10 9A.56.310)  
11 Rape 3 (RCW 9A.44.060)  
12 Rendering Criminal Assistance 1 (RCW  
13 9A.76.070)  
14 Sell, install, or reinstall counterfeit,  
15 nonfunctional, damaged, or  
16 previously deployed airbag (RCW  
17 46.37.650(2)(c))  
18 Sending, Bringing into State Depictions  
19 of Minor Engaged in Sexually  
20 Explicit Conduct 2 (RCW  
21 9.68A.060(2))  
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 4 (third domestic violence  
35 offense) (RCW 9A.36.041(3))

1 Assault by Watercraft (RCW  
2 79A.60.060)  
3 Bribing a Witness/Bribe Received by  
4 Witness (RCW 9A.72.090,  
5 9A.72.100)  
6 Cheating 1 (RCW 9.46.1961)  
7 Commercial Bribery (RCW 9A.68.060)  
8 Counterfeiting (RCW 9.16.035(4))  
9 Driving While Under the Influence  
10 (RCW 46.61.502(6))  
11 Endangerment with a Controlled  
12 Substance (RCW 9A.42.100)  
13 Escape 1 (RCW 9A.76.110)  
14 Hate Crime (RCW 9A.36.080)  
15 Hit and Run—Injury (RCW  
16 46.52.020(4)(b))  
17 Hit and Run with Vessel—Injury  
18 Accident (RCW 79A.60.200(3))  
19 Identity Theft 1 (RCW 9.35.020(2))  
20 Indecent Exposure to Person Under Age  
21 14 (subsequent sex offense) (RCW  
22 9A.88.010)  
23 Influencing Outcome of Sporting Event  
24 (RCW 9A.82.070)  
25 Physical Control of a Vehicle While  
26 Under the Influence (RCW  
27 46.61.504(6))  
28 Possession of Depictions of a Minor  
29 Engaged in Sexually Explicit  
30 Conduct 2 (RCW 9.68A.070(2))  
31 Residential Burglary (RCW 9A.52.025)  
32 Robbery 2 (RCW 9A.56.210)  
33 Theft of Livestock 1 (RCW 9A.56.080)  
34 Threats to Bomb (RCW 9.61.160)



1 Trafficking in Catalytic Converters 1  
2 (RCW 9A.82.190)  
3 Trafficking in Stolen Property 1 (RCW  
4 9A.82.050)  
5 Unlawful factoring of a credit card or  
6 payment card transaction (RCW  
7 9A.56.290(4)(b))  
8 Unlawful transaction of health coverage  
9 as a health care service contractor  
10 (RCW 48.44.016(3))  
11 Unlawful transaction of health coverage  
12 as a health maintenance  
13 organization (RCW 48.46.033(3))  
14 Unlawful transaction of insurance  
15 business (RCW 48.15.023(3))  
16 Unlicensed practice as an insurance  
17 professional (RCW 48.17.063(2))  
18 Use of Proceeds of Criminal  
19 Profiteering (RCW 9A.82.080 (1)  
20 and (2))  
21 Vehicle Prowling 2 (third or subsequent  
22 offense) (RCW 9A.52.100(3))  
23 Vehicular Assault, by being under the  
24 influence of intoxicating liquor or  
25 any drug, or by the operation or  
26 driving of a vehicle in a reckless  
27 manner (RCW 46.61.522)  
28 Viewing of Depictions of a Minor  
29 Engaged in Sexually Explicit  
30 Conduct 1 (RCW 9.68A.075(1))  
31 III Animal Cruelty 1 (RCW 16.52.205)  
32 Assault 3 (Except Assault 3 of a Peace  
33 Officer With a Projectile Stun Gun)  
34 (RCW 9A.36.031 except subsection  
35 (1)(h))  
36 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony  
2 (RCW 9A.76.170(3)(c))  
3 Burglary 2 (RCW 9A.52.030)  
4 Communication with a Minor for  
5 Immoral Purposes (RCW  
6 9.68A.090)  
7 Criminal Gang Intimidation (RCW  
8 9A.46.120)  
9 Custodial Assault (RCW 9A.36.100)  
10 Cyber Harassment (RCW  
11 9A.90.120(2)(b))  
12 Escape 2 (RCW 9A.76.120)  
13 Extortion 2 (RCW 9A.56.130)  
14 False Reporting 2 (RCW  
15 9A.84.040(2)(b))  
16 Harassment (RCW 9A.46.020)  
17 Hazing (RCW 28B.10.901(2)(b))  
18 Intimidating a Public Servant (RCW  
19 9A.76.180)  
20 Introducing Contraband 2 (RCW  
21 9A.76.150)  
22 Malicious Injury to Railroad Property  
23 (RCW 81.60.070)  
24 Manufacture of Untraceable Firearm  
25 with Intent to Sell (RCW 9.41.190)  
26 Manufacture or Assembly of an  
27 Undetectable Firearm or  
28 Untraceable Firearm (RCW  
29 9.41.325)  
30 Mortgage Fraud (RCW 19.144.080)  
31 Negligently Causing Substantial Bodily  
32 Harm By Use of a Signal  
33 Preemption Device (RCW  
34 46.37.674)

1 Organized Retail Theft 1 (RCW  
2 9A.56.350(2))  
3 Perjury 2 (RCW 9A.72.030)  
4 Possession of Incendiary Device (RCW  
5 9.40.120)  
6 Possession of Machine Gun, Bump-Fire  
7 Stock, Undetectable Firearm, or  
8 Short-Barreled Shotgun or Rifle  
9 (RCW 9.41.190)  
10 Promoting Prostitution 2 (RCW  
11 9A.88.080)  
12 Retail Theft with Special Circumstances  
13 1 (RCW 9A.56.360(2))  
14 Securities Act violation (RCW  
15 21.20.400)  
16 Tampering with a Witness (RCW  
17 9A.72.120)  
18 Telephone Harassment (subsequent  
19 conviction or threat of death)  
20 (RCW 9.61.230(2))  
21 Theft of Livestock 2 (RCW 9A.56.083)  
22 Theft with the Intent to Resell 1 (RCW  
23 9A.56.340(2))  
24 Trafficking in Catalytic Converters 2  
25 (RCW 9A.82.200)  
26 Trafficking in Stolen Property 2 (RCW  
27 9A.82.055)  
28 Unlawful Hunting of Big Game 1  
29 (RCW 77.15.410(3)(b))  
30 Unlawful Imprisonment (RCW  
31 9A.40.040)  
32 Unlawful Misbranding of Fish or  
33 Shellfish 1 (RCW 77.140.060(3))  
34 Unlawful possession of firearm in the  
35 second degree (RCW 9.41.040(2))

1 Unlawful Taking of Endangered Fish or  
2 Wildlife 1 (RCW 77.15.120(3)(b))  
3 Unlawful Trafficking in Fish, Shellfish,  
4 or Wildlife 1 (RCW  
5 77.15.260(3)(b))  
6 Unlawful Use of a Nondesignated  
7 Vessel (RCW 77.15.530(4))  
8 Vehicular Assault, by the operation or  
9 driving of a vehicle with disregard  
10 for the safety of others (RCW  
11 46.61.522)  
12 II Commercial Fishing Without a License  
13 1 (RCW 77.15.500(3)(b))  
14 Computer Trespass 1 (RCW 9A.90.040)  
15 Counterfeiting (RCW 9.16.035(3))  
16 Electronic Data Service Interference  
17 (RCW 9A.90.060)  
18 Electronic Data Tampering 1 (RCW  
19 9A.90.080)  
20 Electronic Data Theft (RCW  
21 9A.90.100)  
22 Engaging in Fish Dealing Activity  
23 Unlicensed 1 (RCW 77.15.620(3))  
24 Escape from Community Custody  
25 (RCW 72.09.310)  
26 ~~((Failure to Register as a Sex Offender  
27 (second or subsequent offense)  
28 (RCW 9A.44.130 prior to June 10,  
29 2010, and RCW 9A.44.132)))~~  
30 Health Care False Claims (RCW  
31 48.80.030)  
32 Identity Theft 2 (RCW 9.35.020(3))  
33 Improperly Obtaining Financial  
34 Information (RCW 9.35.010)  
35 Malicious Mischief 1 (RCW 9A.48.070)

1 Organized Retail Theft 2 (RCW  
2 9A.56.350(3))  
3 Possession of Stolen Property 1 (RCW  
4 9A.56.150)  
5 Possession of a Stolen Vehicle (RCW  
6 9A.56.068)  
7 Possession, sale, or offering for sale of  
8 seven or more unmarked catalytic  
9 converters (RCW 9A.82.180(5))  
10 Retail Theft with Special Circumstances  
11 2 (RCW 9A.56.360(3))  
12 Scrap Processing, Recycling, or  
13 Supplying Without a License  
14 (second or subsequent offense)  
15 (RCW 19.290.100)  
16 Theft 1 (RCW 9A.56.030)  
17 Theft of a Motor Vehicle (RCW  
18 9A.56.065)  
19 Theft of Rental, Leased, Lease-  
20 purchased, or Loaned Property  
21 (valued at \$5,000 or more) (RCW  
22 9A.56.096(5)(a))  
23 Theft with the Intent to Resell 2 (RCW  
24 9A.56.340(3))  
25 Trafficking in Insurance Claims (RCW  
26 48.30A.015)  
27 Unlawful factoring of a credit card or  
28 payment card transaction (RCW  
29 9A.56.290(4)(a))  
30 Unlawful Participation of Non-Indians  
31 in Indian Fishery (RCW  
32 77.15.570(2))  
33 Unlawful Practice of Law (RCW  
34 2.48.180)  
35 Unlawful Purchase or Use of a License  
36 (RCW 77.15.650(3)(b))

1 Unlawful Trafficking in Fish, Shellfish,  
2 or Wildlife 2 (RCW  
3 77.15.260(3)(a))  
4 Unlicensed Practice of a Profession or  
5 Business (RCW 18.130.190(7))  
6 Voyeurism 1 (RCW 9A.44.115)  
7 I Attempting to Elude a Pursuing Police  
8 Vehicle (RCW 46.61.024)  
9 False Verification for Welfare (RCW  
10 74.08.055)  
11 Forgery (RCW 9A.60.020)  
12 Fraudulent Creation or Revocation of a  
13 Mental Health Advance Directive  
14 (RCW 9A.60.060)  
15 Malicious Mischief 2 (RCW 9A.48.080)  
16 Mineral Trespass (RCW 78.44.330)  
17 Possession of Stolen Property 2 (RCW  
18 9A.56.160)  
19 Reckless Burning 1 (RCW 9A.48.040)  
20 Spotlighting Big Game 1 (RCW  
21 77.15.450(3)(b))  
22 Suspension of Department Privileges 1  
23 (RCW 77.15.670(3)(b))  
24 Taking Motor Vehicle Without  
25 Permission 2 (RCW 9A.56.075)  
26 Theft 2 (RCW 9A.56.040)  
27 Theft from a Vulnerable Adult 2 (RCW  
28 9A.56.400(2))  
29 Theft of Rental, Leased, Lease-  
30 purchased, or Loaned Property  
31 (valued at \$750 or more but less  
32 than \$5,000) (RCW  
33 9A.56.096(5)(b))  
34 Transaction of insurance business  
35 beyond the scope of licensure  
36 (RCW 48.17.063)

1 Unlawful Fish and Shellfish Catch  
2 Accounting (RCW 77.15.630(3)(b))  
3 Unlawful Issuance of Checks or Drafts  
4 (RCW 9A.56.060)  
5 Unlawful Possession of Fictitious  
6 Identification (RCW 9A.56.320)  
7 Unlawful Possession of Instruments of  
8 Financial Fraud (RCW 9A.56.320)  
9 Unlawful Possession of Payment  
10 Instruments (RCW 9A.56.320)  
11 Unlawful Possession of a Personal  
12 Identification Device (RCW  
13 9A.56.320)  
14 Unlawful Production of Payment  
15 Instruments (RCW 9A.56.320)  
16 Unlawful Releasing, Planting,  
17 Possessing, or Placing Deleterious  
18 Exotic Wildlife (RCW  
19 77.15.250(2)(b))  
20 Unlawful Trafficking in Food Stamps  
21 (RCW 9.91.142)  
22 Unlawful Use of Food Stamps (RCW  
23 9.91.144)  
24 Unlawful Use of Net to Take Fish 1  
25 (RCW 77.15.580(3)(b))  
26 Vehicle Prowl 1 (RCW 9A.52.095)  
27 Violating Commercial Fishing Area or  
28 Time 1 (RCW 77.15.550(3)(b))

29 **Sec. 3.** RCW 9A.44.132 and 2023 c 150 s 6 are each amended to  
30 read as follows:

31 (1) A person commits the crime of failure to register as a sex  
32 offender if the person has a duty to register under RCW 9A.44.130 for  
33 a felony sex offense and knowingly fails to comply with any of the  
34 requirements of RCW 9A.44.130.

1 (a) The failure to register as a sex offender pursuant to this  
2 subsection is a class C felony if the person has a duty to register  
3 under RCW 9A.44.130(1) (a) (~~and:~~

4 ~~(i) It is the person's first conviction for a felony failure to~~  
5 ~~register; or~~

6 ~~(ii) The person has previously been convicted of a felony failure~~  
7 ~~to register as a sex offender in this state or pursuant to the laws~~  
8 ~~of another state, or pursuant to federal law.~~

9 ~~(b) If a person has a duty to register under RCW 9A.44.130(1) (a)~~  
10 ~~and has been convicted of a felony failure to register as a sex~~  
11 ~~offender in this state or pursuant to the laws of another state, or~~  
12 ~~pursuant to federal law, on two or more prior occasions, the failure~~  
13 ~~to register under this subsection is a class B felony)).~~

14 ~~((e))~~ (b) The failure to register as a sex offender is a gross  
15 misdemeanor if the person has a duty to register under RCW  
16 9A.44.130(1) (b).

17 (2) A person is guilty of failure to register as a sex offender  
18 if the person has a duty to register under RCW 9A.44.130 for a sex  
19 offense other than a felony and knowingly fails to comply with any of  
20 the requirements of RCW 9A.44.130. The failure to register as a sex  
21 offender under this subsection is a gross misdemeanor.

22 (3) A person commits the crime of failure to register as a  
23 kidnapping offender if the person has a duty to register under RCW  
24 9A.44.130 for a kidnapping offense and knowingly fails to comply with  
25 any of the requirements of RCW 9A.44.130.

26 (a) If the person has a duty to register for a felony kidnapping  
27 offense, the failure to register as a kidnapping offender is a class  
28 C felony.

29 (b) If the person has a duty to register for a kidnapping offense  
30 other than a felony, the failure to register as a kidnapping offender  
31 is a gross misdemeanor.

32 (4) Unless relieved of the duty to register pursuant to RCW  
33 9A.44.141 and 9A.44.142, a violation of this section is an ongoing  
34 offense for purposes of the statute of limitations under RCW  
35 9A.04.080.

36 (5) The prosecutor is encouraged to take a diversionary approach  
37 when receiving first time referrals under this section.

38 **Sec. 4.** RCW 9A.44.140 and 2023 c 150 s 7 are each amended to  
39 read as follows:



1 The duty to register under RCW 9A.44.130 shall continue for the  
2 duration provided in this section.

3 (1) For an adult convicted in this state of a class A felony, or  
4 an adult convicted of any sex offense or kidnapping offense who has  
5 one or more prior convictions requiring registration under RCW  
6 9A.44.130 for a sex offense or kidnapping offense, the duty to  
7 register shall continue indefinitely.

8 (2) For an adult convicted in this state of a class B felony who  
9 does not have one or more prior convictions for a sex offense or  
10 kidnapping offense, the duty to register shall end (~~(fifteen)~~) 15  
11 years after the last date of release from confinement, if any,  
12 (including full-time residential treatment) pursuant to the  
13 conviction, or entry of the judgment and sentence, if the adult has  
14 spent (~~(fifteen)~~) 15 consecutive years in the community without being  
15 convicted of a disqualifying offense during that time period.

16 (3) For an adult convicted in this state of a class C felony, a  
17 violation of RCW 9.68A.090 or 9A.44.096, or an attempt, solicitation,  
18 or conspiracy to commit a class C felony, and the adult does not have  
19 one or more prior convictions for a sex offense or kidnapping  
20 offense, the duty to register shall end (~~(ten)~~) 10 years after the  
21 last date of release from confinement, if any, (including full-time  
22 residential treatment) pursuant to the conviction, or entry of the  
23 judgment and sentence, if the adult has spent (~~(ten)~~) 10 consecutive  
24 years in the community without being convicted of a disqualifying  
25 offense during that time period.

26 (4) (a) For a person required to register under RCW  
27 9A.44.130(1)(b), the duty to register will end three years after the  
28 last date of release from confinement, including full-time  
29 residential treatment, if any, or entry of disposition if the person  
30 is required to register for a class A offense committed at age 15,  
31 16, or 17.

32 (b) For a person required to register under RCW 9A.44.130(1)(b)  
33 who does not meet the description provided in (~~(subsection (4)(a) of~~  
34 ~~this section [(a) of this subsection])~~) (a) of this subsection, the  
35 duty to register will end two years after the last date of release  
36 from confinement, including full-time residential treatment, if any,  
37 or entry of disposition.

38 (5) Except as provided in RCW 9A.44.142, for a person required to  
39 register for a federal, tribal, or out-of-state conviction, the duty  
40 to register shall continue indefinitely.

1 (6) For a person who is or has been determined to be a sexually  
2 violent predator pursuant to chapter 71.09 RCW, the duty to register  
3 shall continue for the person's lifetime.

4 (7) Nothing in this section prevents a person from being relieved  
5 of the duty to register under RCW 9A.44.142, 9A.44.143, and  
6 13.40.162.

7 (8) Nothing in RCW 9.94A.637 relating to discharge of an offender  
8 shall be construed as operating to relieve the offender of his or her  
9 duty to register pursuant to RCW 9A.44.130.

10 (9) For purposes of determining whether a person has been  
11 convicted of more than one sex offense, failure to register as a sex  
12 offender or kidnapping offender is not a sex or kidnapping offense.

13 (10) The provisions of this section and RCW 9A.44.141 through  
14 9A.44.143 apply equally to a person who has been found not guilty by  
15 reason of insanity under chapter 10.77 RCW of a sex offense or  
16 kidnapping offense.

17 **Sec. 5.** RCW 9.94A.030 and 2022 c 231 s 11 are each amended to  
18 read as follows:

19 Unless the context clearly requires otherwise, the definitions in  
20 this section apply throughout this chapter.

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

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

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

33 (4) "Community corrections officer" means an employee of the  
34 department who is responsible for carrying out specific duties in  
35 supervision of sentenced offenders and monitoring of sentence  
36 conditions.

37 (5) "Community custody" means that portion of an offender's  
38 sentence of confinement in lieu of earned release time or imposed as  
39 part of a sentence under this chapter and served in the community

1 subject to controls placed on the offender's movement and activities  
2 by the department.

3 (6) "Community protection zone" means the area within 880 feet of  
4 the facilities and grounds of a public or private school.

5 (7) "Community restitution" means compulsory service, without  
6 compensation, performed for the benefit of the community by the  
7 offender.

8 (8) "Confinement" means total or partial confinement.

9 (9) "Conviction" means an adjudication of guilt pursuant to Title  
10 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,  
11 and acceptance of a plea of guilty.

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

20 (11) "Criminal history" means the list of a defendant's prior  
21 convictions and juvenile adjudications, whether in this state, in  
22 federal court, or elsewhere, and any issued certificates of  
23 restoration of opportunity pursuant to RCW 9.97.020.

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

28 (b) A conviction may be removed from a defendant's criminal  
29 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,  
30 9.95.240, or a similar out-of-state statute, or if the conviction has  
31 been vacated pursuant to a governor's pardon. However, when a  
32 defendant is charged with a recidivist offense, "criminal history"  
33 includes a vacated prior conviction for the sole purpose of  
34 establishing that such vacated prior conviction constitutes an  
35 element of the present recidivist offense as provided in RCW  
36 9.94A.640(4)(b) and 9.96.060(~~(7)~~) (8)(c).

37 (c) The determination of a defendant's criminal history is  
38 distinct from the determination of an offender score. A prior  
39 conviction that was not included in an offender score calculated

1 pursuant to a former version of the sentencing reform act remains  
2 part of the defendant's criminal history.

3 (12) "Criminal street gang" means any ongoing organization,  
4 association, or group of three or more persons, whether formal or  
5 informal, having a common name or common identifying sign or symbol,  
6 having as one of its primary activities the commission of criminal  
7 acts, and whose members or associates individually or collectively  
8 engage in or have engaged in a pattern of criminal street gang  
9 activity. This definition does not apply to employees engaged in  
10 concerted activities for their mutual aid and protection, or to the  
11 activities of labor and bona fide nonprofit organizations or their  
12 members or agents.

13 (13) "Criminal street gang associate or member" means any person  
14 who actively participates in any criminal street gang and who  
15 intentionally promotes, furthers, or assists in any criminal act by  
16 the criminal street gang.

17 (14) "Criminal street gang-related offense" means any felony or  
18 misdemeanor offense, whether in this state or elsewhere, that is  
19 committed for the benefit of, at the direction of, or in association  
20 with any criminal street gang, or is committed with the intent to  
21 promote, further, or assist in any criminal conduct by the gang, or  
22 is committed for one or more of the following reasons:

23 (a) To gain admission, prestige, or promotion within the gang;

24 (b) To increase or maintain the gang's size, membership,  
25 prestige, dominance, or control in any geographical area;

26 (c) To exact revenge or retribution for the gang or any member of  
27 the gang;

28 (d) To obstruct justice, or intimidate or eliminate any witness  
29 against the gang or any member of the gang;

30 (e) To directly or indirectly cause any benefit, aggrandizement,  
31 gain, profit, or other advantage for the gang, its reputation,  
32 influence, or membership; or

33 (f) To provide the gang with any advantage in, or any control or  
34 dominance over any criminal market sector, including, but not limited  
35 to, manufacturing, delivering, or selling any controlled substance  
36 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
37 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88  
38 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual  
39 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
40 9.68 RCW).

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

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

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

11 (18) "Determinate sentence" means a sentence that states with  
12 exactitude the number of actual years, months, or days of total  
13 confinement, of partial confinement, of community custody, the number  
14 of actual hours or days of community restitution work, or dollars or  
15 terms of a legal financial obligation. The fact that an offender  
16 through earned release can reduce the actual period of confinement  
17 shall not affect the classification of the sentence as a determinate  
18 sentence.

19 (19) "Disposable earnings" means that part of the earnings of an  
20 offender remaining after the deduction from those earnings of any  
21 amount required by law to be withheld. For the purposes of this  
22 definition, "earnings" means compensation paid or payable for  
23 personal services, whether denominated as wages, salary, commission,  
24 bonuses, or otherwise, and, notwithstanding any other provision of  
25 law making the payments exempt from garnishment, attachment, or other  
26 process to satisfy a court-ordered legal financial obligation,  
27 specifically includes periodic payments pursuant to pension or  
28 retirement programs, or insurance policies of any type, but does not  
29 include payments made under Title 50 RCW, except as provided in RCW  
30 50.40.020 and 50.40.050, or Title 74 RCW.

31 (20)(a) "Domestic violence" has the same meaning as defined in  
32 RCW 10.99.020.

33 (b) "Domestic violence" also means: (i) Physical harm, bodily  
34 injury, assault, or the infliction of fear of imminent physical harm,  
35 bodily injury, or assault, sexual assault, or stalking, as defined in  
36 RCW 9A.46.110, of one intimate partner by another intimate partner as  
37 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,  
38 assault, or the infliction of fear of imminent physical harm, bodily  
39 injury, or assault, sexual assault, or stalking, as defined in RCW

1 9A.46.110, of one family or household member by another family or  
2 household member as defined in RCW 10.99.020.

3 (21) "Drug offender sentencing alternative" is a sentencing  
4 option available to persons convicted of a felony offense who are  
5 eligible for the option under RCW 9.94A.660.

6 (22) "Drug offense" means:

7 (a) Any felony violation of chapter 69.50 RCW except possession  
8 of a controlled substance (RCW 69.50.4013) or forged prescription for  
9 a controlled substance (RCW 69.50.403);

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

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

16 (23) "Earned release" means earned release from confinement as  
17 provided in RCW 9.94A.728.

18 (24) "Electronic monitoring" means tracking the location of an  
19 individual through the use of technology that is capable of  
20 determining or identifying the monitored individual's presence or  
21 absence at a particular location including, but not limited to:

22 (a) Radio frequency signaling technology, which detects if the  
23 monitored individual is or is not at an approved location and  
24 notifies the monitoring agency of the time that the monitored  
25 individual either leaves the approved location or tampers with or  
26 removes the monitoring device; or

27 (b) Active or passive global positioning system technology, which  
28 detects the location of the monitored individual and notifies the  
29 monitoring agency of the monitored individual's location and which  
30 may also include electronic monitoring with victim notification  
31 technology that is capable of notifying a victim or protected party,  
32 either directly or through a monitoring agency, if the monitored  
33 individual enters within the restricted distance of a victim or  
34 protected party, or within the restricted distance of a designated  
35 location.

36 (25) "Escape" means:

37 (a) Sexually violent predator escape (RCW 9A.76.115), escape in  
38 the first degree (RCW 9A.76.110), escape in the second degree (RCW  
39 9A.76.120), willful failure to return from furlough (RCW 72.66.060),  
40 willful failure to return from work release (RCW 72.65.070), or

1 willful failure to be available for supervision by the department  
2 while in community custody (RCW 72.09.310); or

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

6 (26) "Felony traffic offense" means:

7 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW  
8 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-  
9 run injury-accident (RCW 46.52.020(4)), felony driving while under  
10 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),  
11 or felony physical control of a vehicle while under the influence of  
12 intoxicating liquor or any drug (RCW 46.61.504(6)); or

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

16 (27) "Fine" means a specific sum of money ordered by the  
17 sentencing court to be paid by the offender to the court over a  
18 specific period of time.

19 (28) "First-time offender" means any person who has no prior  
20 convictions for a felony and is eligible for the first-time offender  
21 waiver under RCW 9.94A.650.

22 (29) "Home detention" is a subset of electronic monitoring and  
23 means a program of partial confinement available to offenders wherein  
24 the offender is confined in a private residence 24 hours a day,  
25 unless an absence from the residence is approved, authorized, or  
26 otherwise permitted in the order by the court or other supervising  
27 agency that ordered home detention, and the offender is subject to  
28 electronic monitoring.

29 (30) "Homelessness" or "homeless" means a condition where an  
30 individual lacks a fixed, regular, and adequate nighttime residence  
31 and who has a primary nighttime residence that is:

32 (a) A supervised, publicly or privately operated shelter designed  
33 to provide temporary living accommodations;

34 (b) A public or private place not designed for, or ordinarily  
35 used as, a regular sleeping accommodation for human beings; or

36 (c) A private residence where the individual stays as a transient  
37 invitee.

38 (31) "Legal financial obligation" means a sum of money that is  
39 ordered by a superior court of the state of Washington for legal  
40 financial obligations which may include restitution to the victim,

1 statutorily imposed crime victims' compensation fees as assessed  
2 pursuant to RCW 7.68.035, court costs, county or interlocal drug  
3 funds, court-appointed attorneys' fees, and costs of defense, fines,  
4 and any other financial obligation that is assessed to the offender  
5 as a result of a felony conviction. Upon conviction for vehicular  
6 assault while under the influence of intoxicating liquor or any drug,  
7 RCW 46.61.522(1)(b), or vehicular homicide while under the influence  
8 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal  
9 financial obligations may also include payment to a public agency of  
10 the expense of an emergency response to the incident resulting in the  
11 conviction, subject to RCW 38.52.430.

12 (32) "Most serious offense" means any of the following felonies  
13 or a felony attempt to commit any of the following felonies:

14 (a) Any felony defined under any law as a class A felony or  
15 criminal solicitation of or criminal conspiracy to commit a class A  
16 felony;

17 (b) Assault in the second degree;

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

19 (d) Child molestation in the second degree;

20 (e) Controlled substance homicide;

21 (f) Extortion in the first degree;

22 (g) Incest when committed against a child under age 14;

23 (h) Indecent liberties;

24 (i) Kidnapping in the second degree;

25 (j) Leading organized crime;

26 (k) Manslaughter in the first degree;

27 (l) Manslaughter in the second degree;

28 (m) Promoting prostitution in the first degree;

29 (n) Rape in the third degree;

30 (o) Sexual exploitation;

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

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

39 (r) Any other class B felony offense with a finding of sexual  
40 motivation;



1 (s) Any other felony with a deadly weapon verdict under RCW  
2 9.94A.825;

3 (t) Any felony offense in effect at any time prior to December 2,  
4 1993, that is comparable to a most serious offense under this  
5 subsection, or any federal or out-of-state conviction for an offense  
6 that under the laws of this state would be a felony classified as a  
7 most serious offense under this subsection;

8 (u)(i) A prior conviction for indecent liberties under RCW  
9 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.  
10 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),  
11 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW  
12 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,  
13 until July 1, 1988;

14 (ii) A prior conviction for indecent liberties under RCW  
15 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,  
16 if: (A) The crime was committed against a child under the age of 14;  
17 or (B) the relationship between the victim and perpetrator is  
18 included in the definition of indecent liberties under RCW  
19 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,  
20 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,  
21 1993, through July 27, 1997;

22 (v) Any out-of-state conviction for a felony offense with a  
23 finding of sexual motivation if the minimum sentence imposed was 10  
24 years or more; provided that the out-of-state felony offense must be  
25 comparable to a felony offense under this title and Title 9A RCW and  
26 the out-of-state definition of sexual motivation must be comparable  
27 to the definition of sexual motivation contained in this section.

28 (33) "Nonviolent offense" means an offense which is not a violent  
29 offense.

30 (34) "Offender" means a person who has committed a felony  
31 established by state law and is 18 years of age or older or is less  
32 than 18 years of age but whose case is under superior court  
33 jurisdiction under RCW 13.04.030 or has been transferred by the  
34 appropriate juvenile court to a criminal court pursuant to RCW  
35 13.40.110. In addition, for the purpose of community custody  
36 requirements under this chapter, "offender" also means a misdemeanor  
37 or gross misdemeanor probationer ordered by a superior court to  
38 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and  
39 supervised by the department pursuant to RCW 9.94A.501 and

1 9.94A.5011. Throughout this chapter, the terms "offender" and  
2 "defendant" are used interchangeably.

3 (35) "Partial confinement" means confinement for no more than one  
4 year in a facility or institution operated or utilized under contract  
5 by the state or any other unit of government, or, if home detention,  
6 electronic monitoring, or work crew has been ordered by the court or  
7 home detention has been ordered by the department as part of the  
8 parenting program or the graduated reentry program, in an approved  
9 residence, for a substantial portion of each day with the balance of  
10 the day spent in the community. Partial confinement includes work  
11 release, home detention, work crew, electronic monitoring, and a  
12 combination of work crew, electronic monitoring, and home detention.

13 (36) "Pattern of criminal street gang activity" means:

14 (a) The commission, attempt, conspiracy, or solicitation of, or  
15 any prior juvenile adjudication of or adult conviction of, two or  
16 more of the following criminal street gang-related offenses:

17 (i) Any "serious violent" felony offense as defined in this  
18 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a  
19 Child 1 (RCW 9A.36.120);

20 (ii) Any "violent" offense as defined by this section, excluding  
21 Assault of a Child 2 (RCW 9A.36.130);

22 (iii) Deliver or Possession with Intent to Deliver a Controlled  
23 Substance (chapter 69.50 RCW);

24 (iv) Any violation of the firearms and dangerous weapon act  
25 (chapter 9.41 RCW);

26 (v) Theft of a Firearm (RCW 9A.56.300);

27 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

28 (vii) Hate Crime (RCW 9A.36.080);

29 (viii) Harassment where a subsequent violation or deadly threat  
30 is made (RCW 9A.46.020(2)(b));

31 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

32 (x) Any felony conviction by a person 18 years of age or older  
33 with a special finding of involving a juvenile in a felony offense  
34 under RCW 9.94A.833;

35 (xi) Residential Burglary (RCW 9A.52.025);

36 (xii) Burglary 2 (RCW 9A.52.030);

37 (xiii) Malicious Mischief 1 (RCW 9A.48.070);

38 (xiv) Malicious Mischief 2 (RCW 9A.48.080);

39 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);

40 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

1 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW  
2 9A.56.070);

3 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW  
4 9A.56.075);

5 (xix) Extortion 1 (RCW 9A.56.120);

6 (xx) Extortion 2 (RCW 9A.56.130);

7 (xxi) Intimidating a Witness (RCW 9A.72.110);

8 (xxii) Tampering with a Witness (RCW 9A.72.120);

9 (xxiii) Reckless Endangerment (RCW 9A.36.050);

10 (xxiv) Coercion (RCW 9A.36.070);

11 (xxv) Harassment (RCW 9A.46.020); or

12 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

13 (b) That at least one of the offenses listed in (a) of this  
14 subsection shall have occurred after July 1, 2008;

15 (c) That the most recent committed offense listed in (a) of this  
16 subsection occurred within three years of a prior offense listed in  
17 (a) of this subsection; and

18 (d) Of the offenses that were committed in (a) of this  
19 subsection, the offenses occurred on separate occasions or were  
20 committed by two or more persons.

21 (37) "Persistent offender" is an offender who:

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

24 (ii) Has, before the commission of the offense under (a) of this  
25 subsection, been convicted as an offender on at least two separate  
26 occasions, whether in this state or elsewhere, of felonies that under  
27 the laws of this state would be considered most serious offenses and  
28 would be included in the offender score under RCW 9.94A.525; provided  
29 that of the two or more previous convictions, at least one conviction  
30 must have occurred before the commission of any of the other most  
31 serious offenses for which the offender was previously convicted; or

32 (b) (i) Has been convicted of: (A) Rape in the first degree, rape  
33 of a child in the first degree, child molestation in the first  
34 degree, rape in the second degree, rape of a child in the second  
35 degree, or indecent liberties by forcible compulsion; (B) any of the  
36 following offenses with a finding of sexual motivation: Murder in the  
37 first degree, murder in the second degree, homicide by abuse,  
38 kidnapping in the first degree, kidnapping in the second degree,  
39 assault in the first degree, assault in the second degree, assault of  
40 a child in the first degree, assault of a child in the second degree,

1 or burglary in the first degree; or (C) an attempt to commit any  
2 crime listed in this subsection (37)(b)(i); and

3 (ii) Has, before the commission of the offense under (b)(i) of  
4 this subsection, been convicted as an offender on at least one  
5 occasion, whether in this state or elsewhere, of an offense listed in  
6 (b)(i) of this subsection or any federal or out-of-state offense or  
7 offense under prior Washington law that is comparable to the offenses  
8 listed in (b)(i) of this subsection. A conviction for rape of a child  
9 in the first degree constitutes a conviction under (b)(i) of this  
10 subsection only when the offender was 16 years of age or older when  
11 the offender committed the offense. A conviction for rape of a child  
12 in the second degree constitutes a conviction under (b)(i) of this  
13 subsection only when the offender was 18 years of age or older when  
14 the offender committed the offense.

15 (38) "Predatory" means: (a) The perpetrator of the crime was a  
16 stranger to the victim, as defined in this section; (b) the  
17 perpetrator established or promoted a relationship with the victim  
18 prior to the offense and the victimization of the victim was a  
19 significant reason the perpetrator established or promoted the  
20 relationship; or (c) the perpetrator was: (i) A teacher, counselor,  
21 volunteer, or other person in authority in any public or private  
22 school and the victim was a student of the school under his or her  
23 authority or supervision. For purposes of this subsection, "school"  
24 does not include home-based instruction as defined in RCW  
25 28A.225.010; (ii) a coach, trainer, volunteer, or other person in  
26 authority in any recreational activity and the victim was a  
27 participant in the activity under his or her authority or  
28 supervision; (iii) a pastor, elder, volunteer, or other person in  
29 authority in any church or religious organization, and the victim was  
30 a member or participant of the organization under his or her  
31 authority; or (iv) a teacher, counselor, volunteer, or other person  
32 in authority providing home-based instruction and the victim was a  
33 student receiving home-based instruction while under his or her  
34 authority or supervision. For purposes of this subsection: (A) "Home-  
35 based instruction" has the same meaning as defined in RCW  
36 28A.225.010; and (B) "teacher, counselor, volunteer, or other person  
37 in authority" does not include the parent or legal guardian of the  
38 victim.

39 (39) "Private school" means a school regulated under chapter  
40 28A.195 or 28A.205 RCW.

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

2 (41) "Recidivist offense" means a felony offense where a prior  
3 conviction of the same offense or other specified offense is an  
4 element of the crime including, but not limited to:

5 (a) Assault in the fourth degree where domestic violence is  
6 pleaded and proven, RCW 9A.36.041(3);

7 (b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

8 (c) Harassment, RCW 9A.46.020(2)(b)(i);

9 (d) Indecent exposure, RCW 9A.88.010(2)(c);

10 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

11 (f) Telephone harassment, RCW 9.61.230(2)(a); and

12 (g) Violation of a no-contact or protection order, RCW 7.105.450  
13 or former RCW 26.50.110(5).

14 (42) "Repetitive domestic violence offense" means any:

15 (a)(i) Domestic violence assault that is not a felony offense  
16 under RCW 9A.36.041;

17 (ii) Domestic violence violation of a no-contact order under  
18 chapter 10.99 RCW that is not a felony offense;

19 (iii) Domestic violence violation of a protection order under  
20 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or  
21 violation of a domestic violence protection order under chapter 7.105  
22 RCW, that is not a felony offense;

23 (iv) Domestic violence harassment offense under RCW 9A.46.020  
24 that is not a felony offense; or

25 (v) Domestic violence stalking offense under RCW 9A.46.110 that  
26 is not a felony offense; or

27 (b) Any federal, out-of-state, tribal court, military, county, or  
28 municipal conviction for an offense that under the laws of this state  
29 would be classified as a repetitive domestic violence offense under  
30 (a) of this subsection.

31 (43) "Restitution" means a specific sum of money ordered by the  
32 sentencing court to be paid by the offender to the court over a  
33 specified period of time as payment of damages. The sum may include  
34 both public and private costs.

35 (44) "Risk assessment" means the application of the risk  
36 instrument recommended to the department by the Washington state  
37 institute for public policy as having the highest degree of  
38 predictive accuracy for assessing an offender's risk of reoffense.

39 (45) "Serious traffic offense" means:

1 (a) Nonfelony driving while under the influence of intoxicating  
2 liquor or any drug (RCW 46.61.502), nonfelony actual physical control  
3 while under the influence of intoxicating liquor or any drug (RCW  
4 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an  
5 attended vehicle (RCW 46.52.020(5)); or

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

9 (46) "Serious violent offense" is a subcategory of violent  
10 offense and means:

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

12 (ii) Homicide by abuse;

13 (iii) Murder in the second degree;

14 (iv) Manslaughter in the first degree;

15 (v) Assault in the first degree;

16 (vi) Kidnapping in the first degree;

17 (vii) Rape in the first degree;

18 (viii) Assault of a child in the first degree; or

19 (ix) An attempt, criminal solicitation, or criminal conspiracy to  
20 commit one of these felonies; or

21 (b) Any federal or out-of-state conviction for an offense that  
22 under the laws of this state would be a felony classified as a  
23 serious violent offense under (a) of this subsection.

24 (47) "Sex offense" means:

25 (a)(i) A felony that is a violation of chapter 9A.44 RCW other  
26 than RCW 9A.44.132;

27 (ii) A violation of RCW 9A.64.020;

28 (iii) A felony that is a violation of chapter 9.68A RCW other  
29 than RCW 9.68A.080; or

30 (iv) A felony that is, under chapter 9A.28 RCW, a criminal  
31 attempt, criminal solicitation, or criminal conspiracy to commit such  
32 crimes (~~;~~ ~~or~~

33 ~~(v) A felony violation of RCW 9A.44.132(1) (failure to register~~  
34 ~~as a sex offender) if the person has been convicted of violating RCW~~  
35 ~~9A.44.132(1) (failure to register as a sex offender) or 9A.44.130~~  
36 ~~prior to June 10, 2010, on at least one prior occasion));~~

37 (b) Any conviction for a felony offense in effect at any time  
38 prior to July 1, 1976, that is comparable to a felony classified as a  
39 sex offense in (a) of this subsection;

1 (c) A felony with a finding of sexual motivation under RCW  
2 9.94A.835 or 13.40.135; or

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

6 (48) "Sexual motivation" means that one of the purposes for which  
7 the defendant committed the crime was for the purpose of his or her  
8 sexual gratification.

9 (49) "Standard sentence range" means the sentencing court's  
10 discretionary range in imposing a nonappealable sentence.

11 (50) "Statutory maximum sentence" means the maximum length of  
12 time for which an offender may be confined as punishment for a crime  
13 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute  
14 defining the crime, or other statute defining the maximum penalty for  
15 a crime.

16 (51) "Stranger" means that the victim did not know the offender  
17 24 hours before the offense.

18 (52) "Total confinement" means confinement inside the physical  
19 boundaries of a facility or institution operated or utilized under  
20 contract by the state or any other unit of government for 24 hours a  
21 day, or pursuant to RCW 72.64.050 and 72.64.060.

22 (53) "Transition training" means written and verbal instructions  
23 and assistance provided by the department to the offender during the  
24 two weeks prior to the offender's successful completion of the work  
25 ethic camp program. The transition training shall include  
26 instructions in the offender's requirements and obligations during  
27 the offender's period of community custody.

28 (54) "Victim" means any person who has sustained emotional,  
29 psychological, physical, or financial injury to person or property as  
30 a direct result of the crime charged.

31 (55) "Victim of domestic violence" means an intimate partner or  
32 household member who has been subjected to the infliction of physical  
33 harm or sexual and psychological abuse by an intimate partner or  
34 household member as part of a pattern of assaultive, coercive, and  
35 controlling behaviors directed at achieving compliance from or  
36 control over that intimate partner or household member. Domestic  
37 violence includes, but is not limited to, the offenses listed in RCW  
38 10.99.020 and 26.50.010 committed by an intimate partner or household  
39 member against a victim who is an intimate partner or household  
40 member.

1 (56) "Victim of sex trafficking, prostitution, or commercial  
2 sexual abuse of a minor" means a person who has been forced or  
3 coerced to perform a commercial sex act including, but not limited  
4 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,  
5 9.68A.101, and the trafficking victims protection act of 2000, 22  
6 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a  
7 commercial sex act when they were less than 18 years of age including  
8 but not limited to the offenses defined in chapter 9.68A RCW.

9 (57) "Victim of sexual assault" means any person who is a victim  
10 of a sexual assault offense, nonconsensual sexual conduct, or  
11 nonconsensual sexual penetration and as a result suffers physical,  
12 emotional, financial, or psychological impacts. Sexual assault  
13 offenses include, but are not limited to, the offenses defined in  
14 chapter 9A.44 RCW.

15 (58) "Violent offense" means:

16 (a) Any of the following felonies:

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

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

21 (iii) Manslaughter in the first degree;

22 (iv) Manslaughter in the second degree;

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

24 (vi) Kidnapping in the second degree;

25 (vii) Arson in the second degree;

26 (viii) Assault in the second degree;

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

28 (x) Extortion in the first degree;

29 (xi) Robbery in the second degree;

30 (xii) Drive-by shooting;

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

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



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

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

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

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

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

20 **Sec. 6.** RCW 9.94A.030 and 2024 c 306 s 2 are each amended to  
21 read as follows:

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

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

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

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

36 (4) "Community corrections officer" means an employee of the  
37 department who is responsible for carrying out specific duties in  
38 supervision of sentenced offenders and monitoring of sentence  
39 conditions.

1 (5) "Community custody" means that portion of an offender's  
2 sentence of confinement in lieu of earned release time or imposed as  
3 part of a sentence under this chapter and served in the community  
4 subject to controls placed on the offender's movement and activities  
5 by the department.

6 (6) "Community protection zone" means the area within 880 feet of  
7 the facilities and grounds of a public or private school.

8 (7) "Community restitution" means compulsory service, without  
9 compensation, performed for the benefit of the community by the  
10 offender.

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

12 (9) "Conviction" means an adjudication of guilt pursuant to Title  
13 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,  
14 and acceptance of a plea of guilty.

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

23 (11) "Criminal history" means the list of a defendant's prior  
24 convictions and juvenile adjudications, whether in this state, in  
25 federal court, or elsewhere, and any issued certificates of  
26 restoration of opportunity pursuant to RCW 9.97.020.

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

31 (b) A conviction may be removed from a defendant's criminal  
32 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,  
33 9.95.240, or a similar out-of-state statute, or if the conviction has  
34 been vacated pursuant to a governor's pardon. However, when a  
35 defendant is charged with a recidivist offense, "criminal history"  
36 includes a vacated prior conviction for the sole purpose of  
37 establishing that such vacated prior conviction constitutes an  
38 element of the present recidivist offense as provided in RCW  
39 9.94A.640(4)(b) and 9.96.060(~~(+7)~~) (8)(c).

1 (c) The determination of a defendant's criminal history is  
2 distinct from the determination of an offender score. A prior  
3 conviction that was not included in an offender score calculated  
4 pursuant to a former version of the sentencing reform act remains  
5 part of the defendant's criminal history.

6 (12) "Criminal street gang" means any ongoing organization,  
7 association, or group of three or more persons, whether formal or  
8 informal, having a common name or common identifying sign or symbol,  
9 having as one of its primary activities the commission of criminal  
10 acts, and whose members or associates individually or collectively  
11 engage in or have engaged in a pattern of criminal street gang  
12 activity. This definition does not apply to employees engaged in  
13 concerted activities for their mutual aid and protection, or to the  
14 activities of labor and bona fide nonprofit organizations or their  
15 members or agents.

16 (13) "Criminal street gang associate or member" means any person  
17 who actively participates in any criminal street gang and who  
18 intentionally promotes, furthers, or assists in any criminal act by  
19 the criminal street gang.

20 (14) "Criminal street gang-related offense" means any felony or  
21 misdemeanor offense, whether in this state or elsewhere, that is  
22 committed for the benefit of, at the direction of, or in association  
23 with any criminal street gang, or is committed with the intent to  
24 promote, further, or assist in any criminal conduct by the gang, or  
25 is committed for one or more of the following reasons:

26 (a) To gain admission, prestige, or promotion within the gang;

27 (b) To increase or maintain the gang's size, membership,  
28 prestige, dominance, or control in any geographical area;

29 (c) To exact revenge or retribution for the gang or any member of  
30 the gang;

31 (d) To obstruct justice, or intimidate or eliminate any witness  
32 against the gang or any member of the gang;

33 (e) To directly or indirectly cause any benefit, aggrandizement,  
34 gain, profit, or other advantage for the gang, its reputation,  
35 influence, or membership; or

36 (f) To provide the gang with any advantage in, or any control or  
37 dominance over any criminal market sector, including, but not limited  
38 to, manufacturing, delivering, or selling any controlled substance  
39 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen  
40 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88

1 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual  
2 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter  
3 9.68 RCW).

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

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

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

14 (18) "Determinate sentence" means a sentence that states with  
15 exactitude the number of actual years, months, or days of total  
16 confinement, of partial confinement, of community custody, the number  
17 of actual hours or days of community restitution work, or dollars or  
18 terms of a legal financial obligation. The fact that an offender  
19 through earned release can reduce the actual period of confinement  
20 shall not affect the classification of the sentence as a determinate  
21 sentence.

22 (19) "Disposable earnings" means that part of the earnings of an  
23 offender remaining after the deduction from those earnings of any  
24 amount required by law to be withheld. For the purposes of this  
25 definition, "earnings" means compensation paid or payable for  
26 personal services, whether denominated as wages, salary, commission,  
27 bonuses, or otherwise, and, notwithstanding any other provision of  
28 law making the payments exempt from garnishment, attachment, or other  
29 process to satisfy a court-ordered legal financial obligation,  
30 specifically includes periodic payments pursuant to pension or  
31 retirement programs, or insurance policies of any type, but does not  
32 include payments made under Title 50 RCW, except as provided in RCW  
33 50.40.020 and 50.40.050, or Title 74 RCW.

34 (20)(a) "Domestic violence" has the same meaning as defined in  
35 RCW 10.99.020.

36 (b) "Domestic violence" also means: (i) Physical harm, bodily  
37 injury, assault, or the infliction of fear of imminent physical harm,  
38 bodily injury, or assault, sexual assault, or stalking, as defined in  
39 RCW 9A.46.110, of one intimate partner by another intimate partner as  
40 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,

1 assault, or the infliction of fear of imminent physical harm, bodily  
2 injury, or assault, sexual assault, or stalking, as defined in RCW  
3 9A.46.110, of one family or household member by another family or  
4 household member as defined in RCW 10.99.020.

5 (21) "Drug offender sentencing alternative" is a sentencing  
6 option available to persons convicted of a felony offense who are  
7 eligible for the option under RCW 9.94A.660.

8 (22) "Drug offender sentencing alternative for driving under the  
9 influence" is a sentencing option available to persons convicted of  
10 felony driving while under the influence of intoxicating liquor or  
11 any drug under RCW 46.61.502(6), or felony physical control of a  
12 vehicle while under the influence of intoxicating liquor or any drug  
13 under RCW 46.61.504(6) who are eligible under RCW 9.94A.661.

14 (23) "Drug offense" means:

15 (a) Any felony violation of chapter 69.50 RCW except possession  
16 of a controlled substance (RCW 69.50.4013) or forged prescription for  
17 a controlled substance (RCW 69.50.403);

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

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

24 (24) "Earned release" means earned release from confinement as  
25 provided in RCW 9.94A.728.

26 (25) "Electronic monitoring" means tracking the location of an  
27 individual through the use of technology that is capable of  
28 determining or identifying the monitored individual's presence or  
29 absence at a particular location including, but not limited to:

30 (a) Radio frequency signaling technology, which detects if the  
31 monitored individual is or is not at an approved location and  
32 notifies the monitoring agency of the time that the monitored  
33 individual either leaves the approved location or tampers with or  
34 removes the monitoring device; or

35 (b) Active or passive global positioning system technology, which  
36 detects the location of the monitored individual and notifies the  
37 monitoring agency of the monitored individual's location and which  
38 may also include electronic monitoring with victim notification  
39 technology that is capable of notifying a victim or protected party,  
40 either directly or through a monitoring agency, if the monitored

1 individual enters within the restricted distance of a victim or  
2 protected party, or within the restricted distance of a designated  
3 location.

4 (26) "Escape" means:

5 (a) Sexually violent predator escape (RCW 9A.76.115), escape in  
6 the first degree (RCW 9A.76.110), escape in the second degree (RCW  
7 9A.76.120), willful failure to return from furlough (RCW 72.66.060),  
8 willful failure to return from work release (RCW 72.65.070), or  
9 willful failure to be available for supervision by the department  
10 while in community custody (RCW 72.09.310); or

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

14 (27) "Felony traffic offense" means:

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

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

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

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

30 (30) "Home detention" is a subset of electronic monitoring and  
31 means a program of partial confinement available to offenders wherein  
32 the offender is confined in a private residence 24 hours a day,  
33 unless an absence from the residence is approved, authorized, or  
34 otherwise permitted in the order by the court or other supervising  
35 agency that ordered home detention, and the offender is subject to  
36 electronic monitoring.

37 (31) "Homelessness" or "homeless" means a condition where an  
38 individual lacks a fixed, regular, and adequate nighttime residence  
39 and who has a primary nighttime residence that is:

1 (a) A supervised, publicly or privately operated shelter designed  
2 to provide temporary living accommodations;

3 (b) A public or private place not designed for, or ordinarily  
4 used as, a regular sleeping accommodation for human beings; or

5 (c) A private residence where the individual stays as a transient  
6 invitee.

7 (32) "Legal financial obligation" means a sum of money that is  
8 ordered by a superior court of the state of Washington for legal  
9 financial obligations which may include restitution to the victim,  
10 statutorily imposed crime victims' compensation fees as assessed  
11 pursuant to RCW 7.68.035, court costs, county or interlocal drug  
12 funds, court-appointed attorneys' fees, and costs of defense, fines,  
13 and any other financial obligation that is assessed to the offender  
14 as a result of a felony conviction. Upon conviction for vehicular  
15 assault while under the influence of intoxicating liquor or any drug,  
16 RCW 46.61.522(1)(b), or vehicular homicide while under the influence  
17 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal  
18 financial obligations may also include payment to a public agency of  
19 the expense of an emergency response to the incident resulting in the  
20 conviction, subject to RCW 38.52.430.

21 (33) "Most serious offense" means any of the following felonies  
22 or a felony attempt to commit any of the following felonies:

23 (a) Any felony defined under any law as a class A felony or  
24 criminal solicitation of or criminal conspiracy to commit a class A  
25 felony;

26 (b) Assault in the second degree;

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

28 (d) Child molestation in the second degree;

29 (e) Controlled substance homicide;

30 (f) Extortion in the first degree;

31 (g) Incest when committed against a child under age 14;

32 (h) Indecent liberties;

33 (i) Kidnapping in the second degree;

34 (j) Leading organized crime;

35 (k) Manslaughter in the first degree;

36 (l) Manslaughter in the second degree;

37 (m) Promoting prostitution in the first degree;

38 (n) Rape in the third degree;

39 (o) Sexual exploitation;

1 (p) Vehicular assault, when caused by the operation or driving of  
2 a vehicle by a person while under the influence of intoxicating  
3 liquor or any drug or by the operation or driving of a vehicle in a  
4 reckless manner;

5 (q) Vehicular homicide, when proximately caused by the driving of  
6 any vehicle by any person while under the influence of intoxicating  
7 liquor or any drug as defined by RCW 46.61.502, or by the operation  
8 of any vehicle in a reckless manner;

9 (r) Any other class B felony offense with a finding of sexual  
10 motivation;

11 (s) Any other felony with a deadly weapon verdict under RCW  
12 9.94A.825;

13 (t) Any felony offense in effect at any time prior to December 2,  
14 1993, that is comparable to a most serious offense under this  
15 subsection, or any federal or out-of-state conviction for an offense  
16 that under the laws of this state would be a felony classified as a  
17 most serious offense under this subsection;

18 (u)(i) A prior conviction for indecent liberties under RCW  
19 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.  
20 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),  
21 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW  
22 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,  
23 until July 1, 1988;

24 (ii) A prior conviction for indecent liberties under RCW  
25 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,  
26 if: (A) The crime was committed against a child under the age of 14;  
27 or (B) the relationship between the victim and perpetrator is  
28 included in the definition of indecent liberties under RCW  
29 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,  
30 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,  
31 1993, through July 27, 1997;

32 (v) Any out-of-state conviction for a felony offense with a  
33 finding of sexual motivation if the minimum sentence imposed was 10  
34 years or more; provided that the out-of-state felony offense must be  
35 comparable to a felony offense under this title and Title 9A RCW and  
36 the out-of-state definition of sexual motivation must be comparable  
37 to the definition of sexual motivation contained in this section.

38 (34) "Nonviolent offense" means an offense which is not a violent  
39 offense.



1 (35) "Offender" means a person who has committed a felony  
2 established by state law and is 18 years of age or older or is less  
3 than 18 years of age but whose case is under superior court  
4 jurisdiction under RCW 13.04.030 or has been transferred by the  
5 appropriate juvenile court to a criminal court pursuant to RCW  
6 13.40.110. In addition, for the purpose of community custody  
7 requirements under this chapter, "offender" also means a misdemeanor  
8 or gross misdemeanor probationer ordered by a superior court to  
9 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and  
10 supervised by the department pursuant to RCW 9.94A.501 and  
11 9.94A.5011. Throughout this chapter, the terms "offender" and  
12 "defendant" are used interchangeably.

13 (36) "Partial confinement" means confinement for no more than one  
14 year in a facility or institution operated or utilized under contract  
15 by the state or any other unit of government, or, if home detention,  
16 electronic monitoring, or work crew has been ordered by the court or  
17 home detention has been ordered by the department as part of the  
18 parenting program or the graduated reentry program, in an approved  
19 residence, for a substantial portion of each day with the balance of  
20 the day spent in the community. Partial confinement includes work  
21 release, home detention, work crew, electronic monitoring, and a  
22 combination of work crew, electronic monitoring, and home detention.

23 (37) "Pattern of criminal street gang activity" means:

24 (a) The commission, attempt, conspiracy, or solicitation of, or  
25 any prior juvenile adjudication of or adult conviction of, two or  
26 more of the following criminal street gang-related offenses:

27 (i) Any "serious violent" felony offense as defined in this  
28 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a  
29 Child 1 (RCW 9A.36.120);

30 (ii) Any "violent" offense as defined by this section, excluding  
31 Assault of a Child 2 (RCW 9A.36.130);

32 (iii) Deliver or Possession with Intent to Deliver a Controlled  
33 Substance (chapter 69.50 RCW);

34 (iv) Any violation of the firearms and dangerous weapon act  
35 (chapter 9.41 RCW);

36 (v) Theft of a Firearm (RCW 9A.56.300);

37 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

38 (vii) Hate Crime (RCW 9A.36.080);

39 (viii) Harassment where a subsequent violation or deadly threat  
40 is made (RCW 9A.46.020(2)(b));

1 (ix) Criminal Gang Intimidation (RCW 9A.46.120);  
2 (x) Any felony conviction by a person 18 years of age or older  
3 with a special finding of involving a juvenile in a felony offense  
4 under RCW 9.94A.833;  
5 (xi) Residential Burglary (RCW 9A.52.025);  
6 (xii) Burglary 2 (RCW 9A.52.030);  
7 (xiii) Malicious Mischief 1 (RCW 9A.48.070);  
8 (xiv) Malicious Mischief 2 (RCW 9A.48.080);  
9 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);  
10 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);  
11 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW  
12 9A.56.070);  
13 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW  
14 9A.56.075);  
15 (xix) Extortion 1 (RCW 9A.56.120);  
16 (xx) Extortion 2 (RCW 9A.56.130);  
17 (xxi) Intimidating a Witness (RCW 9A.72.110);  
18 (xxii) Tampering with a Witness (RCW 9A.72.120);  
19 (xxiii) Reckless Endangerment (RCW 9A.36.050);  
20 (xxiv) Coercion (RCW 9A.36.070);  
21 (xxv) Harassment (RCW 9A.46.020); or  
22 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);  
23 (b) That at least one of the offenses listed in (a) of this  
24 subsection shall have occurred after July 1, 2008;  
25 (c) That the most recent committed offense listed in (a) of this  
26 subsection occurred within three years of a prior offense listed in  
27 (a) of this subsection; and  
28 (d) Of the offenses that were committed in (a) of this  
29 subsection, the offenses occurred on separate occasions or were  
30 committed by two or more persons.  
31 (38) "Persistent offender" is an offender who:  
32 (a) (i) Has been convicted in this state of any felony considered  
33 a most serious offense; and  
34 (ii) Has, before the commission of the offense under (a) of this  
35 subsection, been convicted as an offender on at least two separate  
36 occasions, whether in this state or elsewhere, of felonies that under  
37 the laws of this state would be considered most serious offenses and  
38 would be included in the offender score under RCW 9.94A.525; provided  
39 that of the two or more previous convictions, at least one conviction

1 must have occurred before the commission of any of the other most  
2 serious offenses for which the offender was previously convicted; or

3 (b) (i) Has been convicted of: (A) Rape in the first degree, rape  
4 of a child in the first degree, child molestation in the first  
5 degree, rape in the second degree, rape of a child in the second  
6 degree, or indecent liberties by forcible compulsion; (B) any of the  
7 following offenses with a finding of sexual motivation: Murder in the  
8 first degree, murder in the second degree, homicide by abuse,  
9 kidnapping in the first degree, kidnapping in the second degree,  
10 assault in the first degree, assault in the second degree, assault of  
11 a child in the first degree, assault of a child in the second degree,  
12 or burglary in the first degree; or (C) an attempt to commit any  
13 crime listed in this subsection (38) (b) (i); and

14 (ii) Has, before the commission of the offense under (b) (i) of  
15 this subsection, been convicted as an offender on at least one  
16 occasion, whether in this state or elsewhere, of an offense listed in  
17 (b) (i) of this subsection or any federal or out-of-state offense or  
18 offense under prior Washington law that is comparable to the offenses  
19 listed in (b) (i) of this subsection. A conviction for rape of a child  
20 in the first degree constitutes a conviction under (b) (i) of this  
21 subsection only when the offender was 16 years of age or older when  
22 the offender committed the offense. A conviction for rape of a child  
23 in the second degree constitutes a conviction under (b) (i) of this  
24 subsection only when the offender was 18 years of age or older when  
25 the offender committed the offense.

26 (39) "Predatory" means: (a) The perpetrator of the crime was a  
27 stranger to the victim, as defined in this section; (b) the  
28 perpetrator established or promoted a relationship with the victim  
29 prior to the offense and the victimization of the victim was a  
30 significant reason the perpetrator established or promoted the  
31 relationship; or (c) the perpetrator was: (i) A teacher, counselor,  
32 volunteer, or other person in authority in any public or private  
33 school and the victim was a student of the school under his or her  
34 authority or supervision. For purposes of this subsection, "school"  
35 does not include home-based instruction as defined in RCW  
36 28A.225.010; (ii) a coach, trainer, volunteer, or other person in  
37 authority in any recreational activity and the victim was a  
38 participant in the activity under his or her authority or  
39 supervision; (iii) a pastor, elder, volunteer, or other person in  
40 authority in any church or religious organization, and the victim was

1 a member or participant of the organization under his or her  
2 authority; or (iv) a teacher, counselor, volunteer, or other person  
3 in authority providing home-based instruction and the victim was a  
4 student receiving home-based instruction while under his or her  
5 authority or supervision. For purposes of this subsection: (A) "Home-  
6 based instruction" has the same meaning as defined in RCW  
7 28A.225.010; and (B) "teacher, counselor, volunteer, or other person  
8 in authority" does not include the parent or legal guardian of the  
9 victim.

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

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

13 (42) "Recidivist offense" means a felony offense where a prior  
14 conviction of the same offense or other specified offense is an  
15 element of the crime including, but not limited to:

16 (a) Assault in the fourth degree where domestic violence is  
17 pleaded and proven, RCW 9A.36.041(3);

18 (b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

19 (c) Harassment, RCW 9A.46.020(2)(b)(i);

20 (d) Indecent exposure, RCW 9A.88.010(2)(c);

21 (e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

22 (f) Telephone harassment, RCW 9.61.230(2)(a); and

23 (g) Violation of a no-contact or protection order, RCW 7.105.450  
24 or former RCW 26.50.110(5).

25 (43) "Repetitive domestic violence offense" means any:

26 (a)(i) Domestic violence assault that is not a felony offense  
27 under RCW 9A.36.041;

28 (ii) Domestic violence violation of a no-contact order under  
29 chapter 10.99 RCW that is not a felony offense;

30 (iii) Domestic violence violation of a protection order under  
31 chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or  
32 violation of a domestic violence protection order under chapter 7.105  
33 RCW, that is not a felony offense;

34 (iv) Domestic violence harassment offense under RCW 9A.46.020  
35 that is not a felony offense; or

36 (v) Domestic violence stalking offense under RCW 9A.46.110 that  
37 is not a felony offense; or

38 (b) Any federal, out-of-state, tribal court, military, county, or  
39 municipal conviction for an offense that under the laws of this state

1 would be classified as a repetitive domestic violence offense under  
2 (a) of this subsection.

3 (44) "Restitution" means a specific sum of money ordered by the  
4 sentencing court to be paid by the offender to the court over a  
5 specified period of time as payment of damages. The sum may include  
6 both public and private costs.

7 (45) "Risk assessment" means the application of the risk  
8 instrument recommended to the department by the Washington state  
9 institute for public policy as having the highest degree of  
10 predictive accuracy for assessing an offender's risk of reoffense.

11 (46) "Serious traffic offense" means:

12 (a) (i) Nonfelony driving while under the influence of  
13 intoxicating liquor or any drug (RCW 46.61.502);

14 (ii) Nonfelony actual physical control while under the influence  
15 of intoxicating liquor or any drug (RCW 46.61.504);

16 (iii) Reckless driving (RCW 46.61.500);

17 (iv) Negligent driving if the conviction is the result of a  
18 charge that was originally filed as a violation of RCW 46.61.502 or  
19 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or  
20 46.61.522 while under the influence of intoxicating liquor or any  
21 drug (RCW 46.61.5249);

22 (v) Reckless endangerment if the conviction is the result of a  
23 charge that was originally filed as a violation of RCW 46.61.502 or  
24 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or  
25 46.61.522 while under the influence of intoxicating liquor or any  
26 drug (RCW 9A.36.050); or

27 (vi) Hit-and-run an attended vehicle (RCW 46.52.020(5)); or

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

31 (c) This definition applies for the purpose of a personal  
32 driver's license only and does not apply to violations related to a  
33 commercial motor vehicle under RCW 46.25.090.

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

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

37 (ii) Homicide by abuse;

38 (iii) Murder in the second degree;

39 (iv) Manslaughter in the first degree;

40 (v) Assault in the first degree;

1 (vi) Kidnapping in the first degree;

2 (vii) Rape in the first degree;

3 (viii) Assault of a child in the first degree; or

4 (ix) An attempt, criminal solicitation, or criminal conspiracy to  
5 commit one of these felonies; or

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

9 (48) "Sex offense" means:

10 (a) (i) A felony that is a violation of chapter 9A.44 RCW other  
11 than RCW 9A.44.132;

12 (ii) A violation of RCW 9A.64.020;

13 (iii) A felony that is a violation of chapter 9.68A RCW other  
14 than RCW 9.68A.080; or

15 (iv) A felony that is, under chapter 9A.28 RCW, a criminal  
16 attempt, criminal solicitation, or criminal conspiracy to commit such  
17 crimes (~~;~~ ~~or~~

18 ~~(v) A felony violation of RCW 9A.44.132(1) (failure to register~~  
19 ~~as a sex offender) if the person has been convicted of violating RCW~~  
20 ~~9A.44.132(1) (failure to register as a sex offender) or 9A.44.130~~  
21 ~~prior to June 10, 2010, on at least one prior occasion));~~

22 (b) Any conviction for a felony offense in effect at any time  
23 prior to July 1, 1976, that is comparable to a felony classified as a  
24 sex offense in (a) of this subsection;

25 (c) A felony with a finding of sexual motivation under RCW  
26 9.94A.835 or 13.40.135; or

27 (d) Any federal or out-of-state conviction for an offense that  
28 under the laws of this state would be a felony classified as a sex  
29 offense under (a) of this subsection.

30 (49) "Sexual motivation" means that one of the purposes for which  
31 the defendant committed the crime was for the purpose of his or her  
32 sexual gratification.

33 (50) "Standard sentence range" means the sentencing court's  
34 discretionary range in imposing a nonappealable sentence.

35 (51) "Statutory maximum sentence" means the maximum length of  
36 time for which an offender may be confined as punishment for a crime  
37 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute  
38 defining the crime, or other statute defining the maximum penalty for  
39 a crime.

1 (52) "Stranger" means that the victim did not know the offender  
2 24 hours before the offense.

3 (53) "Total confinement" means confinement inside the physical  
4 boundaries of a facility or institution operated or utilized under  
5 contract by the state or any other unit of government for 24 hours a  
6 day, or pursuant to RCW 72.64.050 and 72.64.060.

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

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

16 (56) "Victim of domestic violence" means an intimate partner or  
17 household member who has been subjected to the infliction of physical  
18 harm or sexual and psychological abuse by an intimate partner or  
19 household member as part of a pattern of assaultive, coercive, and  
20 controlling behaviors directed at achieving compliance from or  
21 control over that intimate partner or household member. Domestic  
22 violence includes, but is not limited to, the offenses listed in RCW  
23 10.99.020 and 26.50.010 committed by an intimate partner or household  
24 member against a victim who is an intimate partner or household  
25 member.

26 (57) "Victim of sex trafficking, prostitution, or commercial  
27 sexual abuse of a minor" means a person who has been forced or  
28 coerced to perform a commercial sex act including, but not limited  
29 to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070,  
30 9.68A.101, and the trafficking victims protection act of 2000, 22  
31 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a  
32 commercial sex act when they were less than 18 years of age including  
33 but not limited to the offenses defined in chapter 9.68A RCW.

34 (58) "Victim of sexual assault" means any person who is a victim  
35 of a sexual assault offense, nonconsensual sexual conduct, or  
36 nonconsensual sexual penetration and as a result suffers physical,  
37 emotional, financial, or psychological impacts. Sexual assault  
38 offenses include, but are not limited to, the offenses defined in  
39 chapter 9A.44 RCW.

40 (59) "Violent offense" means:

1 (a) Any of the following felonies:  
2 (i) Any felony defined under any law as a class A felony or an  
3 attempt to commit a class A felony;  
4 (ii) Criminal solicitation of or criminal conspiracy to commit a  
5 class A felony;  
6 (iii) Manslaughter in the first degree;  
7 (iv) Manslaughter in the second degree;  
8 (v) Indecent liberties if committed by forcible compulsion;  
9 (vi) Kidnapping in the second degree;  
10 (vii) Arson in the second degree;  
11 (viii) Assault in the second degree;  
12 (ix) Assault of a child in the second degree;  
13 (x) Extortion in the first degree;  
14 (xi) Robbery in the second degree;  
15 (xii) Drive-by shooting;  
16 (xiii) Vehicular assault, when caused by the operation or driving  
17 of a vehicle by a person while under the influence of intoxicating  
18 liquor or any drug or by the operation or driving of a vehicle in a  
19 reckless manner; and  
20 (xiv) Vehicular homicide, when proximately caused by the driving  
21 of any vehicle by any person while under the influence of  
22 intoxicating liquor or any drug as defined by RCW 46.61.502, or by  
23 the operation of any vehicle in a reckless manner;  
24 (b) Any conviction for a felony offense in effect at any time  
25 prior to July 1, 1976, that is comparable to a felony classified as a  
26 violent offense in (a) of this subsection; and  
27 (c) Any federal or out-of-state conviction for an offense that  
28 under the laws of this state would be a felony classified as a  
29 violent offense under (a) or (b) of this subsection.  
30 (60) "Work crew" means a program of partial confinement  
31 consisting of civic improvement tasks for the benefit of the  
32 community that complies with RCW 9.94A.725.  
33 (61) "Work ethic camp" means an alternative incarceration program  
34 as provided in RCW 9.94A.690 designed to reduce recidivism and lower  
35 the cost of corrections by requiring offenders to complete a  
36 comprehensive array of real-world job and vocational experiences,  
37 character-building work ethics training, life management skills  
38 development, substance abuse rehabilitation, counseling, literacy  
39 training, and basic adult education.



1 (62) "Work release" means a program of partial confinement  
2 available to offenders who are employed or engaged as a student in a  
3 regular course of study at school.

4 **Sec. 7.** RCW 9A.44.144 and 2023 c 150 s 10 are each amended to  
5 read as follows:

6 (1) For a person who is not an adult, any existing legal  
7 obligation to register as a sex offender is extinguished on November  
8 1, 2023, if the person no longer has a duty to register under RCW  
9 9A.44.130(1)(b).

10 (2) For a person who has an existing legal obligation to register  
11 under RCW 9A.44.130(1)(b), the obligation shall extinguish two or  
12 three years after the last date of release from confinement,  
13 including full-time residential treatment, if any, or entry of  
14 disposition according to the applicable registration period required  
15 under RCW 9A.44.140(4).

16 (3) By December 1, 2023, each registering agency shall conduct an  
17 individual review and remove all persons from the sex offender  
18 registry whose obligation to register is based on an offense  
19 committed while the person was under 18 years of age, unless the  
20 individual has a legal obligation to register under subsection (2) of  
21 this section.

22 (4) For a person who has an existing legal obligation to register  
23 as a sex offender due to a conviction for a sex offense as defined by  
24 RCW 9.94A.030 as that statute was in effect prior to the effective  
25 date of this section, the legal obligation to register is  
26 extinguished on the effective date of this section.

27 (5) By August 1, 2025, each registering agency shall conduct an  
28 individual review and remove all persons from the sex offender  
29 registry who no longer have a duty to register under subsection (4)  
30 of this section.

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 9A.44  
32 RCW to read as follows:

33 This act applies to all charges pending or filed on or after the  
34 effective date of this section alleging that a person committed the  
35 crime of failure to register as a sex offender under RCW 9A.44.132  
36 where the date of the offense occurred before the effective date of  
37 this section.

1       **Sec. 9.** RCW 9.94A.701 and 2021 c 242 s 6 are each amended to  
2 read as follows:

3       (1) If an offender is sentenced to the custody of the department  
4 for one of the following crimes, the court shall, in addition to the  
5 other terms of the sentence, sentence the offender to community  
6 custody for three years:

7       (a) A sex offense not sentenced under RCW 9.94A.507; or

8       (b) A serious violent offense.

9       (2) A court shall, in addition to the other terms of the  
10 sentence, sentence an offender to community custody for two years  
11 when the court sentences the person to the custody of the department  
12 for a second or subsequent violation of RCW 9A.44.132(1).

13       (3) A court shall, in addition to the other terms of the  
14 sentence, sentence an offender to community custody for eighteen  
15 months when the court sentences the person to the custody of the  
16 department for a violent offense that is not considered a serious  
17 violent offense.

18       ~~((3))~~ (4) A court shall, in addition to the other terms of the  
19 sentence, sentence an offender to community custody for one year when  
20 the court sentences the person to the custody of the department for:

21       (a) Any crime against persons under RCW 9.94A.411(2);

22       (b) An offense involving the unlawful possession of a firearm  
23 under RCW 9.41.040, where the offender is a criminal street gang  
24 member or associate;

25       (c) A felony offense under chapter 69.50 or 69.52 RCW, committed  
26 on or after July 1, 2000; or

27       (d) A felony violation of RCW 9A.44.132(1) (failure to register)  
28 that is the offender's first violation for a felony failure to  
29 register.

30       ~~((4))~~ (5) If an offender is sentenced under the drug offender  
31 sentencing alternative, the court shall impose community custody as  
32 provided in RCW 9.94A.660.

33       ~~((5))~~ (6) If an offender is sentenced under the special sex  
34 offender sentencing alternative, the court shall impose community  
35 custody as provided in RCW 9.94A.670.

36       ~~((6))~~ (7) If an offender is sentenced to a work ethic camp, the  
37 court shall impose community custody as provided in RCW 9.94A.690.

38       ~~((7))~~ (8) If an offender is sentenced under the parenting  
39 sentencing alternative, the court shall impose a term of community  
40 custody as provided in RCW 9.94A.655.

1        ~~((8))~~ (9) If the offender is sentenced under the mental health  
2 sentencing alternative, the court shall impose a term of community  
3 custody as provided in RCW 9.94A.695.

4        ~~((9))~~ (10) If a sex offender is sentenced as a nonpersistent  
5 offender pursuant to RCW 9.94A.507, the court shall impose community  
6 custody as provided in that section.

7        ~~((10))~~ (11) The term of community custody specified by this  
8 section shall be reduced by the court whenever an offender's standard  
9 range term of confinement in combination with the term of community  
10 custody exceeds the statutory maximum for the crime as provided in  
11 RCW 9A.20.021.

12        **Sec. 10.** RCW 9.94A.701 and 2024 c 306 s 10 are each amended to  
13 read as follows:

14        (1) If an offender is sentenced to the custody of the department  
15 for one of the following crimes, the court shall, in addition to the  
16 other terms of the sentence, sentence the offender to community  
17 custody for three years:

18            (a) A sex offense not sentenced under RCW 9.94A.507; or

19            (b) A serious violent offense.

20        (2) A court shall, in addition to the other terms of the  
21 sentence, sentence an offender to community custody for two years  
22 when the court sentences the person to the custody of the department  
23 for a second or subsequent violation of RCW 9A.44.132(1).

24        (3) A court shall, in addition to the other terms of the  
25 sentence, sentence an offender to community custody for 18 months  
26 when the court sentences the person to the custody of the department  
27 for a violent offense that is not considered a serious violent  
28 offense.

29        ~~((3))~~ (4) A court shall, in addition to the other terms of the  
30 sentence, sentence an offender to community custody for one year when  
31 the court sentences the person to the custody of the department for:

32            (a) Any crime against persons under RCW 9.94A.411(2);

33            (b) An offense involving the unlawful possession of a firearm  
34 under RCW 9.41.040, where the offender is a criminal street gang  
35 member or associate;

36            (c) A felony offense under chapter 69.50 or 69.52 RCW, committed  
37 on or after July 1, 2000; or

1 (d) A felony violation of RCW 9A.44.132(1) (failure to register)  
2 that is the offender's first violation for a felony failure to  
3 register.

4 ~~((4))~~ (5) If an offender is sentenced under the drug offender  
5 sentencing alternative, the court shall impose community custody as  
6 provided in:

7 (a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender  
8 sentencing alternative;

9 (b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug  
10 offender sentencing alternative;

11 (c) RCW 9.94A.662 and 9.94A.661(6) for a prison-based drug  
12 offender sentencing alternative for driving under the influence; and

13 (d) RCW 9.94A.661 (5) and (6) for a residential-based drug  
14 offender sentencing alternative for driving under the influence.

15 ~~((5))~~ (6) If an offender is sentenced under the special sex  
16 offender sentencing alternative, the court shall impose community  
17 custody as provided in RCW 9.94A.670.

18 ~~((6))~~ (7) If an offender is sentenced to a work ethic camp, the  
19 court shall impose community custody as provided in RCW 9.94A.690.

20 ~~((7))~~ (8) If an offender is sentenced under the parenting  
21 sentencing alternative, the court shall impose a term of community  
22 custody as provided in RCW 9.94A.655.

23 ~~((8))~~ (9) If the offender is sentenced under the mental health  
24 sentencing alternative, the court shall impose a term of community  
25 custody as provided in RCW 9.94A.695.

26 ~~((9))~~ (10) If a sex offender is sentenced as a nonpersistent  
27 offender pursuant to RCW 9.94A.507, the court shall impose community  
28 custody as provided in that section.

29 ~~((10))~~ (11) The term of community custody specified by this  
30 section shall be reduced by the court whenever an offender's standard  
31 sentence range term of confinement in combination with the term of  
32 community custody exceeds the statutory maximum for the crime as  
33 provided in RCW 9A.20.021.

34 **Sec. 11.** RCW 72.09.270 and 2024 c 315 s 1 are each amended to  
35 read as follows:

36 (1) The department of corrections shall develop an individual  
37 reentry plan as defined in RCW 72.09.015 for every incarcerated  
38 individual who is committed to the jurisdiction of the department  
39 except:

1 (a) Incarcerated individuals who are sentenced to life without  
2 the possibility of release or sentenced to death under chapter 10.95  
3 RCW; and

4 (b) Incarcerated individuals who are subject to the provisions of  
5 8 U.S.C. Sec. 1227.

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

9 (3) In developing individual reentry plans, the department shall  
10 assess all incarcerated individuals using standardized and  
11 comprehensive tools to identify the criminogenic risks, programmatic  
12 needs, and educational and vocational skill levels for each  
13 incarcerated individual. The assessment tool should take into account  
14 demographic biases, such as culture, age, and gender, as well as the  
15 needs of the incarcerated individual, including any learning  
16 disabilities, substance abuse or mental health issues, and social or  
17 behavior challenges.

18 (4)(a) The initial assessment shall be conducted as early as  
19 sentencing, but, whenever possible, no later than (~~forty-five~~) 45  
20 days of being sentenced to the jurisdiction of the department of  
21 corrections.

22 (b) The incarcerated individual's individual reentry plan shall  
23 be developed as soon as possible after the initial assessment is  
24 conducted, but, whenever possible, no later than (~~sixty~~) 60 days  
25 after completion of the assessment, and shall be periodically  
26 reviewed and updated as appropriate.

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

28 (a) A plan to maintain contact with the incarcerated individual's  
29 children and family, if appropriate. The plan should determine  
30 whether parenting classes, or other services, are appropriate to  
31 facilitate successful reunification with the incarcerated  
32 individual's children and family;

33 (b) An individualized portfolio for each incarcerated individual  
34 that includes the incarcerated individual's education achievements,  
35 certifications, employment, work experience, skills, and any training  
36 received prior to and during incarceration; and

37 (c) A plan for the incarcerated individual during the period of  
38 incarceration through reentry into the community that addresses the  
39 needs of the incarcerated individual including education, employment,  
40 substance abuse treatment, mental health treatment, family

1 reunification, and other areas which are needed to facilitate a  
2 successful reintegration into the community. For any individual  
3 committed to the jurisdiction of the department for a sex offense or  
4 failure to register offense, the plan must also include  
5 identification of barriers to registration as required by chapter  
6 9A.44 RCW and include resources and tools to support compliance and  
7 improve functioning in the community.

8 (6) (a) Prior to discharge of any incarcerated individual, the  
9 department shall:

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

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

17 (iii) Ensure that every consenting incarcerated individual  
18 confined in a department of corrections facility for 60 days or  
19 longer possesses a valid identicard or driver's license, issued by  
20 the department of licensing under chapter 46.20 RCW, prior to the  
21 individual's release to the community. Issuance of the identicard or  
22 driver's license must not cause a delay in the incarcerated  
23 individual's release to the community or transfer to partial  
24 confinement. The department must:

25 (A) Pay any application fee required for obtaining the  
26 identicard;

27 (B) Provide a photo of the incarcerated individual for use on the  
28 identicard under RCW 46.20.035(1), which upon request of the  
29 individual must be a different photo than the individual's mug shot  
30 and not indicate that the individual was incarcerated at the time of  
31 the photo; and

32 (C) Obtain a signature from the individual that is acceptable to  
33 the department of licensing to use for an identicard or driver's  
34 license.

35 (b) If the department recommends partial confinement in an  
36 incarcerated individual's individual reentry plan, the department  
37 shall maximize the period of partial confinement for the incarcerated  
38 individual as allowed pursuant to RCW 9.94A.728 to facilitate the  
39 incarcerated individual's transition to the community.

1 (7) The department shall establish mechanisms for sharing  
2 information from individual reentry plans to those persons involved  
3 with the incarcerated individual's treatment, programming, and  
4 reentry, when deemed appropriate. When feasible, this information  
5 shall be shared electronically.

6 (8)(a) In determining the county of discharge for an incarcerated  
7 individual released to community custody, the department may approve  
8 a residence location that is not in the incarcerated individual's  
9 county of origin if the department determines that the residence  
10 location would be appropriate based on any court-ordered condition of  
11 the incarcerated individual's sentence, victim safety concerns, and  
12 factors that increase opportunities for successful reentry and long-  
13 term support including, but not limited to, location of family or  
14 other sponsoring persons or organizations that will support the  
15 incarcerated individual, ability to complete an educational program  
16 that the incarcerated individual is enrolled in, availability of  
17 appropriate programming or treatment, and access to housing,  
18 employment, and prosocial influences on the person in the community.

19 (b) In implementing the provisions of this subsection, the  
20 department shall approve residence locations in a manner that will  
21 not cause any one county to be disproportionately impacted.

22 (c) If the incarcerated individual is not returned to his or her  
23 county of origin, the department shall provide the law and justice  
24 council of the county in which the incarcerated individual is placed  
25 with a written explanation.

26 (d)(i) For purposes of this section, except as provided in  
27 (d)(ii) of this subsection, the incarcerated individual's county of  
28 origin means the county of the incarcerated individual's residence at  
29 the time of the incarcerated individual's first felony conviction in  
30 Washington state.

31 (ii) If the incarcerated individual is a homeless person as  
32 defined in RCW 43.185C.010, or the incarcerated individual's  
33 residence is unknown, then the incarcerated individual's county of  
34 origin means the county of the incarcerated individual's first felony  
35 conviction in Washington state.

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

38 NEW SECTION. **Sec. 12.** (1) The Washington association of  
39 sheriffs and police chiefs must review the model policy developed

1 under RCW 4.24.5501, and the model policy for Washington law  
2 enforcement regarding adult and juvenile sex offender registration  
3 and community notification, to identify opportunities to utilize  
4 technology and streamline initial and ongoing registration processes,  
5 including options for remote registration.

6 (2) The Washington association of sheriffs and police chiefs must  
7 report its findings to the appropriate committees of the legislature  
8 and the sex offender policy board no later than December 1, 2025, and  
9 update the model policy as needed no later than June 1, 2026.

10 NEW SECTION. **Sec. 13.** Sections 5 and 9 of this act expire  
11 January 1, 2026.

12 NEW SECTION. **Sec. 14.** Sections 6 and 10 of this act take effect  
13 January 1, 2026.

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