

HOUSE BILL 2403

State of Washington 69th Legislature 2026 Regular Session

By Representatives Farivar, Scott, and Reed

Read first time 01/13/26. Referred to Committee on Community Safety.

1 AN ACT Relating to modifying provisions relating to the crime of
2 failure to register consistent with general principles articulated in
3 recommendations by the sex offender policy board; amending RCW
4 9.94A.515, 9A.44.132, 9.94A.030, 9.94A.701, 9.94A.702, 9.94A.501, and
5 72.09.270; creating a new section; and prescribing penalties.

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

7 Sec. 1. RCW 9.94A.515 and 2025 c 220 s 7 are each amended to
8 read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH
SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW
70.74.280(1))
Murder 1 (RCW 9A.32.030)
XIV Murder 2 (RCW 9A.32.050)
Trafficking 1 (RCW 9A.40.100(1))

1 XIII Malicious explosion 2 (RCW
2 70.74.280(2))
3 Malicious placement of an explosive 1
4 (RCW 70.74.270(1))
5 XII Assault 1 (RCW 9A.36.011)
6 Assault of a Child 1 (RCW 9A.36.120)
7 Malicious placement of an imitation
8 device 1 (RCW 70.74.272(1)(a))
9 Promoting Commercial Sexual Abuse
10 of a Minor (RCW 9.68A.101)
11 Rape 1 (RCW 9A.44.040)
12 Rape of a Child 1 (RCW 9A.44.073)
13 Trafficking 2 (RCW 9A.40.100(3))
14 XI Manslaughter 1 (RCW 9A.32.060)
15 Rape 2 (RCW 9A.44.050)
16 Rape of a Child 2 (RCW 9A.44.076)
17 Vehicular Homicide, by being under the
18 influence of intoxicating liquor or
19 any drug (RCW 46.61.520)
20 Vehicular Homicide, by the operation of
21 any vehicle in a reckless manner
22 (RCW 46.61.520)
23 X Child Molestation 1 (RCW 9A.44.083)
24 Criminal Mistreatment 1 (RCW
25 9A.42.020)
26 Indecent Liberties (with forcible
27 compulsion) (RCW
28 9A.44.100(1)(a))
29 Kidnapping 1 (RCW 9A.40.020)
30 Leading Organized Crime (RCW
31 9A.82.060(1)(a))
32 Malicious explosion 3 (RCW
33 70.74.280(3))
34 Sexually Violent Predator Escape (RCW
35 9A.76.115)

1 IX Abandonment of Dependent Person 1
2 (RCW 9A.42.060)
3 Assault of a Child 2 (RCW 9A.36.130)
4 Explosive devices prohibited (RCW
5 70.74.180)
6 Hit and Run—Death (RCW
7 46.52.020(4)(a))
8 Homicide by Watercraft, by being under
9 the influence of intoxicating liquor
10 or any drug (RCW 79A.60.050)
11 Inciting Criminal Profiteering (RCW
12 9A.82.060(1)(b))
13 Malicious placement of an explosive 2
14 (RCW 70.74.270(2))
15 Robbery 1 (RCW 9A.56.200)
16 Sexual Exploitation (RCW 9.68A.040)
17 VIII Arson 1 (RCW 9A.48.020)
18 Commercial Sexual Abuse of a Minor
19 (RCW 9.68A.100)
20 Homicide by Watercraft, by the
21 operation of any vessel in a reckless
22 manner (RCW 79A.60.050)
23 Manslaughter 2 (RCW 9A.32.070)
24 Promoting Prostitution 1 (RCW
25 9A.88.070)
26 Theft of Ammonia (RCW 69.55.010)
27 VII Air bag diagnostic systems (causing
28 bodily injury or death) (RCW
29 46.37.660(2)(b))
30 Air bag replacement requirements
31 (causing bodily injury or death)
32 (RCW 46.37.660(1)(b))
33 Burglary 1 (RCW 9A.52.020)
34 Child Molestation 2 (RCW 9A.44.086)

1 Civil Disorder Training (RCW
2 9A.48.120)

3 Custodial Sexual Misconduct 1 (RCW
4 9A.44.160)

5 Dealing in depictions of minor engaged
6 in sexually explicit conduct 1
7 (RCW 9.68A.050(1))

8 Drive-by Shooting (RCW 9A.36.045)

9 False Reporting 1 (RCW
10 9A.84.040(2)(a))

11 Homicide by Watercraft, by disregard
12 for the safety of others (RCW
13 79A.60.050)

14 Indecent Liberties (without forcible
15 compulsion) (RCW 9A.44.100(1)
16 (b) and (c))

17 Introducing Contraband 1 (RCW
18 9A.76.140)

19 Malicious placement of an explosive 3
20 (RCW 70.74.270(3))

21 Manufacture or import counterfeit,
22 nonfunctional, damaged, or
23 previously deployed air bag
24 (causing bodily injury or death)
25 (RCW 46.37.650(1)(b))

26 Negligently Causing Death By Use of a
27 Signal Preemption Device (RCW
28 46.37.675)

29 Sell, install, or reinstall counterfeit,
30 nonfunctional, damaged, or
31 previously deployed airbag (RCW
32 46.37.650(2)(b))

33 Sending, bringing into state depictions
34 of minor engaged in sexually
35 explicit conduct 1 (RCW
36 9.68A.060(1))

1 Unlawful Possession of a Firearm in the
2 first degree (RCW 9A.10.040(1))
3 Use of a Machine Gun or Bump-fire
4 Stock in Commission of a Felony
5 (RCW 9A.10.225)
6 Vehicular Homicide, by disregard for
7 the safety of others (RCW
8 46.61.520)
9 VI Bail Jumping with Murder 1 (RCW
10 9A.76.170(3)(a))
11 Bribery (RCW 9A.68.010)
12 Incest 1 (RCW 9A.64.020(1))
13 Intimidating a Judge (RCW 9A.72.160)
14 Intimidating a Juror/Witness (RCW
15 9A.72.110, 9A.72.130)
16 Malicious placement of an imitation
17 device 2 (RCW 70.74.272(1)(b))
18 Possession of Depictions of a Minor
19 Engaged in Sexually Explicit
20 Conduct 1 (RCW 9.68A.070(1))
21 Rape of a Child 3 (RCW 9A.44.079)
22 Theft of a Firearm (RCW 9A.56.300)
23 Theft from a Vulnerable Adult 1 (RCW
24 9A.56.400(1))
25 Unlawful Storage of Ammonia (RCW
26 69.55.020)
27 V Abandonment of Dependent Person 2
28 (RCW 9A.42.070)
29 Advancing money or property for
30 extortionate extension of credit
31 (RCW 9A.82.030)
32 Air bag diagnostic systems (RCW
33 46.37.660(2)(c))
34 Air bag replacement requirements
35 (RCW 46.37.660(1)(c))

1 Bail Jumping with class A Felony
2 (RCW 9A.76.170(3)(b))
3 Child Molestation 3 (RCW 9A.44.089)
4 Criminal Mistreatment 2 (RCW
5 9A.42.030)
6 Custodial Sexual Misconduct 2 (RCW
7 9A.44.170)
8 Dealing in Depictions of Minor
9 Engaged in Sexually Explicit
10 Conduct 2 (RCW 9.68A.050(2))
11 Domestic Violence Court Order
12 Violation (RCW 7.105.450,
13 10.99.040, 10.99.050, 26.09.300,
14 26.26B.050, or 26.52.070)
15 Extortion 1 (RCW 9A.56.120)
16 Extortionate Extension of Credit (RCW
17 9A.82.020)
18 Extortionate Means to Collect
19 Extensions of Credit (RCW
20 9A.82.040)
21 Incest 2 (RCW 9A.64.020(2))
22 Kidnapping 2 (RCW 9A.40.030)
23 Manufacture or import counterfeit,
24 nonfunctional, damaged, or
25 previously deployed air bag (RCW
26 46.37.650(1)(c))
27 Perjury 1 (RCW 9A.72.020)
28 Persistent prison misbehavior (RCW
29 9.94.070)
30 Possession of a Stolen Firearm (RCW
31 9A.56.310)
32 Rape 3 (RCW 9A.44.060)
33 Rendering Criminal Assistance 1 (RCW
34 9A.76.070)

1 Sell, install, or reinstall counterfeit,
2 nonfunctional, damaged, or
3 previously deployed airbag (RCW
4 46.37.650(2)(c))
5 Sending, Bringing into State Depictions
6 of Minor Engaged in Sexually
7 Explicit Conduct 2 (RCW
8 9.68A.060(2))
9 Sexual Misconduct with a Minor 1
10 (RCW 9A.44.093)
11 Sexually Violating Human Remains
12 (RCW 9A.44.105)
13 Stalking (RCW 9A.46.110)
14 Taking Motor Vehicle Without
15 Permission 1 (RCW 9A.56.070)
16 IV Animal Fighting (with intentional
17 mutilation) (RCW 16.52.117(2)(b))
18 Arson 2 (RCW 9A.48.030)
19 Assault 2 (RCW 9A.36.021)
20 Assault 3 (of a Peace Officer with a
21 Projectile Stun Gun) (RCW
22 9A.36.031(1)(h))
23 Assault 4 (third domestic violence
24 offense) (RCW 9A.36.041(3))
25 Assault by Watercraft (RCW
26 79A.60.060)
27 Bribing a Witness/Bribe Received by
28 Witness (RCW 9A.72.090,
29 9A.72.100)
30 Cheating 1 (RCW 9.46.1961)
31 Commercial Bribery (RCW 9A.68.060)
32 Counterfeiting (RCW 9.16.035(4))
33 Driving While Under the Influence
34 (RCW 46.61.502(6))
35 Endangerment with a Controlled
36 Substance (RCW 9A.42.100)

1 Escape 1 (RCW 9A.76.110)
2 Hate Crime (RCW 9A.36.080)
3 Hit and Run—Injury (RCW
4 46.52.020(4)(b))
5 Hit and Run with Vessel—Injury
6 Accident (RCW 79A.60.200(3))
7 Identity Theft 1 (RCW 9.35.020(2))
8 Indecent Exposure to Person Under Age
9 14 (subsequent sex offense) (RCW
10 9A.88.010)
11 Influencing Outcome of Sporting Event
12 (RCW 9A.82.070)
13 Physical Control of a Vehicle While
14 Under the Influence (RCW
15 46.61.504(6))
16 Possession of Depictions of a Minor
17 Engaged in Sexually Explicit
18 Conduct 2 (RCW 9.68A.070(2))
19 Residential Burglary (RCW 9A.52.025)
20 Robbery 2 (RCW 9A.56.210)
21 Theft of Livestock 1 (RCW 9A.56.080)
22 Threats to Bomb (RCW 9.61.160)
23 Trafficking in Catalytic Converters 1
24 (RCW 9A.82.190)
25 Trafficking in Stolen Property 1 (RCW
26 9A.82.050)
27 Unlawful factoring of a credit card or
28 payment card transaction (RCW
29 9A.56.290(4)(b))
30 Unlawful transaction of health coverage
31 as a health care service contractor
32 (RCW 48.44.016(3))
33 Unlawful transaction of health coverage
34 as a health maintenance
35 organization (RCW 48.46.033(3))

1 Unlawful transaction of insurance
2 business (RCW 48.15.023(3))
3 Unlicensed practice as an insurance
4 professional (RCW 48.17.063(2))
5 Use of Proceeds of Criminal
6 Profiteering (RCW 9A.82.080 (1)
7 and (2))
8 Vehicle Prowling 2 (third or subsequent
9 offense) (RCW 9A.52.100(3))
10 Vehicular Assault, by being under the
11 influence of intoxicating liquor or
12 any drug, or by the operation or
13 driving of a vehicle in a reckless
14 manner (RCW 46.61.522)
15 Viewing of Depictions of a Minor
16 Engaged in Sexually Explicit
17 Conduct 1 (RCW 9.68A.075(1))
18 III Animal Cruelty 1 (RCW 16.52.205)
19 Animal Fighting (without intentional
20 mutilation) (RCW 16.52.117(2)(a))
21 Assault 3 (Except Assault 3 of a Peace
22 Officer With a Projectile Stun Gun)
23 (RCW 9A.36.031 except subsection
24 (1)(h))
25 Assault of a Child 3 (RCW 9A.36.140)
26 Bail Jumping with class B or C Felony
27 (RCW 9A.76.170(3)(c))
28 Burglary 2 (RCW 9A.52.030)
29 Communication with a Minor for
30 Immoral Purposes (RCW
31 9.68A.090)
32 Criminal Gang Intimidation (RCW
33 9A.46.120)
34 Custodial Assault (RCW 9A.36.100)
35 Cyber Harassment (RCW
36 9A.90.120(2)(b))

1 Escape 2 (RCW 9A.76.120)
2 Extortion 2 (RCW 9A.56.130)
3 False Reporting 2 (RCW
4 9A.84.040(2)(b))
5 Harassment (RCW 9A.46.020)
6 Hazing (RCW 28B.10.901(2)(b))
7 Intimidating a Public Servant (RCW
8 9A.76.180)
9 Introducing Contraband 2 (RCW
10 9A.76.150)
11 Malicious Injury to Railroad Property
12 (RCW 81.60.070)
13 Manufacture of Untraceable Firearm
14 with Intent to Sell (RCW 9.41.190)
15 Manufacture or Assembly of an
16 Undetectable Firearm or
17 Untraceable Firearm (RCW
18 9.41.325)
19 Mortgage Fraud (RCW 19.144.080)
20 Negligently Causing Substantial Bodily
21 Harm By Use of a Signal
22 Preemption Device (RCW
23 46.37.674)
24 Organized Retail Theft 1 (RCW
25 9A.56.350(2))
26 Perjury 2 (RCW 9A.72.030)
27 Possession of Incendiary Device (RCW
28 9.40.120)
29 Possession of Machine Gun, Bump-Fire
30 Stock, Undetectable Firearm, or
31 Short-Barreled Shotgun or Rifle
32 (RCW 9.41.190)
33 Promoting Prostitution 2 (RCW
34 9A.88.080)
35 Retail Theft with Special Circumstances
36 1 (RCW 9A.56.360(2))

1 Securities Act violation (RCW
2 21.20.400)
3 Tampering with a Witness (RCW
4 9A.72.120)
5 Telephone Harassment (subsequent
6 conviction or threat of death)
7 (RCW 9.61.230(2))
8 Theft of Livestock 2 (RCW 9A.56.083)
9 Theft with the Intent to Resell 1 (RCW
10 9A.56.340(2))
11 Trafficking in Catalytic Converters 2
12 (RCW 9A.82.200)
13 Trafficking in Stolen Property 2 (RCW
14 9A.82.055)
15 Unlawful Hunting of Big Game 1
16 (RCW 77.15.410(3)(b))
17 Unlawful Imprisonment (RCW
18 9A.40.040)
19 Unlawful Misbranding of Fish or
20 Shellfish 1 (RCW 77.140.060(3))
21 Unlawful possession of firearm in the
22 second degree (RCW 9.41.040(2))
23 Unlawful Taking of Endangered Fish or
24 Wildlife 1 (RCW 77.15.120(3)(b))
25 Unlawful Trafficking in Fish, Shellfish,
26 or Wildlife 1 (RCW
27 77.15.260(3)(b))
28 Unlawful Use of a Nondesignated
29 Vessel (RCW 77.15.530(4))
30 Vehicular Assault, by the operation or
31 driving of a vehicle with disregard
32 for the safety of others (RCW
33 46.61.522)
34 II Commercial Fishing Without a License
35 1 (RCW 77.15.500(3)(b))
36 Computer Trespass 1 (RCW 9A.90.040)

1 Counterfeiting (RCW 9.16.035(3))
2 Electronic Data Service Interference
3 (RCW 9A.90.060)
4 Electronic Data Tampering 1 (RCW
5 9A.90.080)
6 Electronic Data Theft (RCW
7 9A.90.100)
8 Engaging in Fish Dealing Activity
9 Unlicensed 1 (RCW 77.15.620(3))
10 Escape from Community Custody
11 (RCW 72.09.310)
12 ~~((Failure to Register as a Sex Offender~~
13 ~~(second or subsequent offense)~~
14 ~~(RCW 9A.44.130 prior to June 10,~~
15 ~~2010, and RCW 9A.44.132)))~~
16 Health Care False Claims (RCW
17 48.80.030)
18 Identity Theft 2 (RCW 9.35.020(3))
19 Improperly Obtaining Financial
20 Information (RCW 9.35.010)
21 Malicious Mischief 1 (RCW 9A.48.070)
22 Organized Retail Theft 2 (RCW
23 9A.56.350(3))
24 Possession of Stolen Property 1 (RCW
25 9A.56.150)
26 Possession of a Stolen Vehicle (RCW
27 9A.56.068)
28 Possession, sale, or offering for sale of
29 seven or more unmarked catalytic
30 converters (RCW 9A.82.180(5))
31 Retail Theft with Special Circumstances
32 2 (RCW 9A.56.360(3))
33 Scrap Processing, Recycling, or
34 Supplying Without a License
35 (second or subsequent offense)
36 (RCW 19.290.100)

1 Theft 1 (RCW 9A.56.030)
2 Theft of a Motor Vehicle (RCW
3 9A.56.065)
4 Theft of Rental, Leased, Lease-
5 purchased, or Loaned Property
6 (valued at \$5,000 or more) (RCW
7 9A.56.096(5)(a))
8 Theft with the Intent to Resell 2 (RCW
9 9A.56.340(3))
10 Trafficking in Insurance Claims (RCW
11 48.30A.015)
12 Unlawful factoring of a credit card or
13 payment card transaction (RCW
14 9A.56.290(4)(a))
15 Unlawful Participation of Non-Indians
16 in Indian Fishery (RCW
17 77.15.570(2))
18 Unlawful Practice of Law (RCW
19 2.48.180)
20 Unlawful Purchase or Use of a License
21 (RCW 77.15.650(3)(b))
22 Unlawful Trafficking in Fish, Shellfish,
23 or Wildlife 2 (RCW
24 77.15.260(3)(a))
25 Unlicensed Practice of a Profession or
26 Business (RCW 18.130.190(7))
27 Voyeurism 1 (RCW 9A.44.115)
28 I Attempting to Elude a Pursuing Police
29 Vehicle (RCW 46.61.024)
30 Failure to Register as a Sex Offender
31 (second or subsequent offense)
32 (RCW 9A.44.130 prior to June 10,
33 2010, and RCW 9A.44.132)
34 False Verification for Welfare (RCW
35 74.08.055)
36 Forgery (RCW 9A.60.020)

1 Fraudulent Creation or Revocation of a
2 Mental Health Advance Directive
3 (RCW 9A.60.060)
4 Malicious Mischief 2 (RCW 9A.48.080)
5 Mineral Trespass (RCW 78.44.330)
6 Possession of Stolen Property 2 (RCW
7 9A.56.160)
8 Reckless Burning 1 (RCW 9A.48.040)
9 Spotlighting Big Game 1 (RCW
10 77.15.450(3)(b))
11 Suspension of Department Privileges 1
12 (RCW 77.15.670(3)(b))
13 Taking Motor Vehicle Without
14 Permission 2 (RCW 9A.56.075)
15 Theft 2 (RCW 9A.56.040)
16 Theft from a Vulnerable Adult 2 (RCW
17 9A.56.400(2))
18 Theft of Rental, Leased, Lease-
19 purchased, or Loaned Property
20 (valued at \$750 or more but less
21 than \$5,000) (RCW
22 9A.56.096(5)(b))
23 Transaction of insurance business
24 beyond the scope of licensure
25 (RCW 48.17.063)
26 Unlawful Fish and Shellfish Catch
27 Accounting (RCW 77.15.630(3)(b))
28 Unlawful Issuance of Checks or Drafts
29 (RCW 9A.56.060)
30 Unlawful Possession of Fictitious
31 Identification (RCW 9A.56.320)
32 Unlawful Possession of Instruments of
33 Financial Fraud (RCW 9A.56.320)
34 Unlawful Possession of Payment
35 Instruments (RCW 9A.56.320)

1 Unlawful Possession of a Personal
2 Identification Device (RCW
3 9A.56.320)
4 Unlawful Production of Payment
5 Instruments (RCW 9A.56.320)
6 Unlawful Releasing, Planting,
7 Possessing, or Placing Deleterious
8 Exotic Wildlife (RCW
9 77.15.250(2)(b))
10 Unlawful Trafficking in Food Stamps
11 (RCW 9.91.142)
12 Unlawful Use of Food Stamps (RCW
13 9.91.144)
14 Unlawful Use of Net to Take Fish 1
15 (RCW 77.15.580(3)(b))
16 Vehicle Prowl 1 (RCW 9A.52.095)
17 Violating Commercial Fishing Area or
18 Time 1 (RCW 77.15.550(3)(b))

19 **Sec. 2.** RCW 9A.44.132 and 2023 c 150 s 6 are each amended to
20 read as follows:

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

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

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

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

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

1 (~~(e)~~) (b) The failure to register as a sex offender is a gross
2 misdemeanor if the person has a duty to register under RCW
3 9A.44.130(1)(b).

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

9 (3) A person commits the crime of failure to register as a
10 kidnapping offender if the person has a duty to register under RCW
11 9A.44.130 for a kidnapping offense and knowingly fails to comply with
12 any of the requirements of RCW 9A.44.130.

13 (a) If the person has a duty to register for a felony kidnapping
14 offense, the failure to register as a kidnapping offender is a class
15 C felony.

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

19 (4) Unless relieved of the duty to register pursuant to RCW
20 9A.44.141 and 9A.44.142, a violation of this section is an ongoing
21 offense for purposes of the statute of limitations under RCW
22 9A.04.080.

23 **Sec. 3.** RCW 9.94A.030 and 2025 c 407 s 3 are each amended to
24 read as follows:

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

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

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

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

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

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

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

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

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

16 (9) "Conviction" means an adjudication of guilt pursuant to Title
17 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
18 and acceptance of a plea of guilty.

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

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

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

35 (b) A conviction may be removed from a defendant's criminal
36 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
37 9.95.240, or a similar out-of-state statute, or if the conviction has
38 been vacated pursuant to a governor's pardon. However, when a
39 defendant is charged with a recidivist offense, "criminal history"
40 includes a vacated prior conviction for the sole purpose of

1 establishing that such vacated prior conviction constitutes an
2 element of the present recidivist offense as provided in RCW
3 9.94A.640(4)(b) and 9.96.060(8)(c).

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

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

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

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

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

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

32 (c) To exact revenge or retribution for the gang or any member of
33 the gang;

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

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

39 (f) To provide the gang with any advantage in, or any control or
40 dominance over any criminal market sector, including, but not limited

1 to, manufacturing, delivering, or selling any controlled substance
2 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
3 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
4 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
5 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
6 9.68 RCW).

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

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

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

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

25 (19) "Disposable earnings" means that part of the earnings of an
26 offender remaining after the deduction from those earnings of any
27 amount required by law to be withheld. For the purposes of this
28 definition, "earnings" means compensation paid or payable for
29 personal services, whether denominated as wages, salary, commission,
30 bonuses, or otherwise, and, notwithstanding any other provision of
31 law making the payments exempt from garnishment, attachment, or other
32 process to satisfy a court-ordered legal financial obligation,
33 specifically includes periodic payments pursuant to pension or
34 retirement programs, or insurance policies of any type, but does not
35 include payments made under Title 50 RCW, except as provided in RCW
36 50.40.020 and 50.40.050, or Title 74 RCW.

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

39 (b) "Domestic violence" also means: (i) Physical harm, bodily
40 injury, assault, or the infliction of fear of imminent physical harm,

1 bodily injury, or assault, sexual assault, or stalking, as defined in
2 RCW 9A.46.110, of one intimate partner by another intimate partner as
3 defined in RCW 10.99.020; or (ii) physical harm, bodily injury,
4 assault, or the infliction of fear of imminent physical harm, bodily
5 injury, or assault, sexual assault, or stalking, as defined in RCW
6 9A.46.110, of one family or household member by another family or
7 household member as defined in RCW 10.99.020.

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

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

17 (23) "Drug offense" means:

18 (a) Any felony violation of chapter 69.50 RCW except possession
19 of a controlled substance (RCW 69.50.4013) or forged prescription for
20 a controlled substance (RCW 69.50.403);

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

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

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

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

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

38 (b) Active or passive global positioning system technology, which
39 detects the location of the monitored individual and notifies the
40 monitoring agency of the monitored individual's location and which

1 may also include electronic monitoring with victim notification
2 technology that is capable of notifying a victim or protected party,
3 either directly or through a monitoring agency, if the monitored
4 individual enters within the restricted distance of a victim or
5 protected party, or within the restricted distance of a designated
6 location.

7 (26) "Escape" means:

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

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

17 (27) "Felony traffic offense" means:

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

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

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

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

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

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

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

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

8 (c) A private residence where the individual stays as a transient
9 invitee.

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

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

26 (a) Any felony defined under any law as a class A felony or
27 criminal solicitation of or criminal conspiracy to commit a class A
28 felony;

29 (b) Assault in the second degree;

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

31 (d) Child molestation in the second degree;

32 (e) Controlled substance homicide;

33 (f) Extortion in the first degree;

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

35 (h) Indecent liberties;

36 (i) Kidnapping in the second degree;

37 (j) Leading organized crime;

38 (k) Manslaughter in the first degree;

39 (l) Manslaughter in the second degree;

40 (m) Promoting prostitution in the first degree;

1 (n) Rape in the third degree;
2 (o) Sexual exploitation;
3 (p) Vehicular assault, when caused by the operation or driving of
4 a vehicle by a person while under the influence of intoxicating
5 liquor or any drug or by the operation or driving of a vehicle in a
6 reckless manner;
7 (q) Vehicular homicide, when proximately caused by the driving of
8 any vehicle by any person while under the influence of intoxicating
9 liquor or any drug as defined by RCW 46.61.502, or by the operation
10 of any vehicle in a reckless manner;
11 (r) Any other class B felony offense with a finding of sexual
12 motivation;
13 (s) Any other felony with a deadly weapon verdict under RCW
14 9.94A.825;
15 (t) Any felony offense in effect at any time prior to December 2,
16 1993, that is comparable to a most serious offense under this
17 subsection, or any federal or out-of-state conviction for an offense
18 that under the laws of this state would be a felony classified as a
19 most serious offense under this subsection;
20 (u)(i) A prior conviction for indecent liberties under RCW
21 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
22 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
23 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
24 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
25 until July 1, 1988;
26 (ii) A prior conviction for indecent liberties under RCW
27 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
28 if: (A) The crime was committed against a child under the age of 14;
29 or (B) the relationship between the victim and perpetrator is
30 included in the definition of indecent liberties under RCW
31 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
32 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
33 1993, through July 27, 1997;
34 (v) Any out-of-state conviction for a felony offense with a
35 finding of sexual motivation if the minimum sentence imposed was 10
36 years or more; provided that the out-of-state felony offense must be
37 comparable to a felony offense under this title and Title 9A RCW and
38 the out-of-state definition of sexual motivation must be comparable
39 to the definition of sexual motivation contained in this section.

1 (34) "Nonviolent offense" means an offense which is not a violent
2 offense.

3 (35) "Offender" means a person who has committed a felony
4 established by state law and is 18 years of age or older or is less
5 than 18 years of age but whose case is under superior court
6 jurisdiction under RCW 13.04.030 or has been transferred by the
7 appropriate juvenile court to a criminal court pursuant to RCW
8 13.40.110. In addition, for the purpose of community custody
9 requirements under this chapter, "offender" also means a misdemeanor
10 or gross misdemeanor probationer ordered by a superior court to
11 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
12 supervised by the department pursuant to RCW 9.94A.501 and
13 9.94A.5011. Throughout this chapter, the terms "offender" and
14 "defendant" are used interchangeably.

15 (36) "Partial confinement" means confinement up to 18 months in a
16 facility or institution operated or utilized under contract by the
17 state or any other unit of government, or, if home detention,
18 electronic monitoring, or work crew has been ordered by the court or
19 home detention has been ordered by the department as part of the
20 parenting program or the graduated reentry program, in an approved
21 residence, for a substantial portion of each day with the balance of
22 the day spent in the community. Partial confinement includes work
23 release, home detention, work crew, electronic monitoring, and a
24 combination of work crew, electronic monitoring, and home detention.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
14 9A.56.070);

15 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
16 9A.56.075);

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

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

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

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

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

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

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

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

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

27 (c) That the most recent committed offense listed in (a) of this
28 subsection occurred within three years of a prior offense listed in
29 (a) of this subsection; and

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

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

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

36 (ii) Has, before the commission of the offense under (a) of this
37 subsection, been convicted as an offender on at least two separate
38 occasions, whether in this state or elsewhere, of felonies that under
39 the laws of this state would be considered most serious offenses and
40 would be included in the offender score under RCW 9.94A.525; provided

1 that of the two or more previous convictions, at least one conviction
2 must have occurred before the commission of any of the other most
3 serious offenses for which the offender was previously convicted; or

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

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

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

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

11 (40) "Private school" means a school regulated under chapter
12 28A.195 or 28A.205 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (b) Any federal, out-of-state, tribal court, military, county, or
40 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) (a) "Serious traffic offense" means:

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

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

16 ~~((iii))~~ (C) Reckless driving (RCW 46.61.500);

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

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

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

33 ~~((e))~~ (b) This definition applies for the purpose of a personal
34 driver's license only and does not apply to violations related to a
35 commercial motor vehicle under RCW 46.25.090.

36 (47) "Serious violent offense" is a subcategory of violent
37 offense and means:

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

39 (ii) Homicide by abuse;

40 (iii) Murder in the second degree;

1 (iv) Manslaughter in the first degree;
2 (v) Assault in the first degree;
3 (vi) Kidnapping in the first degree;
4 (vii) Rape in the first degree;
5 (viii) Assault of a child in the first degree; or
6 (ix) An attempt, criminal solicitation, or criminal conspiracy to
7 commit one of these felonies; or

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

11 (48) "Sex offense" means:

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

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

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

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

20 ~~(v) A felony violation of RCW 9A.44.132(1) (failure to register~~
21 ~~as a sex offender) if the person has been convicted of violating RCW~~
22 ~~9A.44.132(1) (failure to register as a sex offender) or 9A.44.130~~
23 ~~prior to June 10, 2010, on at least one prior occasion));~~

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 sex offense in (a) of this subsection;

27 (c) A felony with a finding of sexual motivation under RCW
28 9.94A.835 or 13.40.135; or

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

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

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

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

1 defining the crime, or other statute defining the maximum penalty for
2 a crime.

3 (52) "Stranger" means that the victim did not know the offender
4 24 hours before the offense.

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

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

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

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

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

36 (58) "Victim of sexual assault" means any person who is a victim
37 of a sexual assault offense, nonconsensual sexual conduct, or
38 nonconsensual sexual penetration and as a result suffers physical,
39 emotional, financial, or psychological impacts. Sexual assault

1 offenses include, but are not limited to, the offenses defined in
2 chapter 9A.44 RCW.

3 (59) "Violent offense" means:

4 (a) Any of the following felonies:

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

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

9 (iii) Manslaughter in the first degree;

10 (iv) Manslaughter in the second degree;

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

12 (vi) Kidnapping in the second degree;

13 (vii) Arson in the second degree;

14 (viii) Assault in the second degree;

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

16 (x) Extortion in the first degree;

17 (xi) Robbery in the second degree;

18 (xii) Drive-by shooting;

19 (xiii) Vehicular assault, when caused by the operation or driving
20 of a vehicle by a person while under the influence of intoxicating
21 liquor or any drug or by the operation or driving of a vehicle in a
22 reckless manner; and

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

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

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

33 (60) "Work crew" means a program of partial confinement
34 consisting of civic improvement tasks for the benefit of the
35 community that complies with RCW 9.94A.725.

36 (61) "Work ethic camp" means an alternative incarceration program
37 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
38 the cost of corrections by requiring offenders to complete a
39 comprehensive array of real-world job and vocational experiences,
40 character-building work ethics training, life management skills

1 development, substance abuse rehabilitation, counseling, literacy
2 training, and basic adult education.

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

6 **Sec. 4.** RCW 9.94A.701 and 2024 c 306 s 10 are each amended to
7 read as follows:

8 (1) If an offender is sentenced to the custody of the department
9 for one of the following crimes, the court shall, in addition to the
10 other terms of the sentence, sentence the offender to community
11 custody for three years:

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

13 (b) A serious violent offense.

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

18 (3) A court shall, in addition to the other terms of the
19 sentence, sentence an offender to community custody for 18 months
20 when the court sentences the person to the custody of the department
21 for a violent offense that is not considered a serious violent
22 offense.

23 ~~((3))~~ (4) A court shall, in addition to the other terms of the
24 sentence, sentence an offender to community custody for one year when
25 the court sentences the person to the custody of the department for:

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

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

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

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

35 ~~((4))~~ (5) If an offender is sentenced under the drug offender
36 sentencing alternative, the court shall impose community custody as
37 provided in:

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

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

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

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

7 ~~((+5))~~ (6) If an offender is sentenced under the special sex
8 offender sentencing alternative, the court shall impose community
9 custody as provided in RCW 9.94A.670.

10 ~~((+6))~~ (7) If an offender is sentenced to a work ethic camp, the
11 court shall impose community custody as provided in RCW 9.94A.690.

12 ~~((+7))~~ (8) If an offender is sentenced under the parenting
13 sentencing alternative, the court shall impose a term of community
14 custody as provided in RCW 9.94A.655.

15 ~~((+8))~~ (9) If the offender is sentenced under the mental health
16 sentencing alternative, the court shall impose a term of community
17 custody as provided in RCW 9.94A.695.

18 ~~((+9))~~ (10) If a sex offender is sentenced as a nonpersistent
19 offender pursuant to RCW 9.94A.507, the court shall impose community
20 custody as provided in that section.

21 ~~((+10))~~ (11) The term of community custody specified by this
22 section shall be reduced by the court whenever an offender's standard
23 sentence range term of confinement in combination with the term of
24 community custody exceeds the statutory maximum for the crime as
25 provided in RCW 9A.20.021.

26 **Sec. 5.** RCW 9.94A.702 and 2010 c 267 s 12 are each amended to
27 read as follows:

28 (1) If an offender is sentenced to a term of confinement for one
29 year or less for one of the following offenses, the court may impose
30 up to one year of community custody:

31 (a) A sex offense;

32 (b) A violent offense;

33 (c) A crime against a person under RCW 9.94A.411;

34 (d) A felony violation of chapter 69.50 or 69.52 RCW, or an
35 attempt, conspiracy, or solicitation to commit such a crime; or

36 (e) A ~~((felony))~~ first violation of RCW 9A.44.132 (1), (2), or
37 (3) (failure to register).

38 (2) If an offender is sentenced to a first-time offender waiver,
39 the court may impose community custody as provided in RCW 9.94A.650.

1 (3) For a second or subsequent violation of RCW 9A.44.132 (1),
2 (2), or (3), the court shall impose two years of community custody.

3 **Sec. 6.** RCW 9.94A.501 and 2025 c 371 s 2 are each amended to
4 read as follows:

5 (1) The department shall supervise the following individuals who
6 are sentenced to probation in superior court, pursuant to RCW
7 9.92.060, 9.95.204, or 9.95.210:

8 (a) Individuals convicted of:

9 (i) Sexual misconduct with a minor second degree;

10 (ii) Custodial sexual misconduct second degree;

11 (iii) Communication with a minor for immoral purposes; and

12 (iv) Violation of RCW 9A.44.132(2) (failure to register); and

13 (b) Individuals who have:

14 (i) A current conviction for a repetitive domestic violence
15 offense after August 1, 2011; and

16 (ii) A prior conviction for a repetitive domestic violence
17 offense or domestic violence felony offense after August 1, 2011.

18 (2) Individuals convicted of misdemeanor and gross misdemeanor
19 offenses supervised by the department pursuant to this section shall
20 be placed on community custody.

21 (3) The department shall supervise every individual convicted of
22 a felony and sentenced to community custody pursuant to RCW 9.94A.701
23 or 9.94A.702 whose risk assessment classifies the individual as one
24 who is at a high risk to reoffend.

25 (4) Notwithstanding any other provision of this section, the
26 department shall supervise an individual sentenced to community
27 custody regardless of risk classification if the individual:

28 (a) Has a current conviction for a sex offense or a serious
29 violent offense and was sentenced to a term of community custody
30 pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

31 (b) Has been identified by the department as a dangerous mentally
32 ill offender pursuant to RCW 72.09.370;

33 (c) Has an indeterminate sentence and is subject to parole
34 pursuant to RCW 9.95.017;

35 (d) Has a current conviction for violating RCW 9A.44.132 (1),
36 (2), or (3) (failure to register) and was sentenced to a term of
37 community custody pursuant to RCW 9.94A.701 or 9.94A.702;

38 (e) (i) Has a current conviction for a domestic violence felony
39 offense after August 1, 2011, and a prior conviction for a repetitive

1 domestic violence offense or domestic violence felony offense after
2 August 1, 2011. This subsection (4)(e)(i) applies only to offenses
3 committed prior to July 24, 2015;

4 (ii) Has a current conviction for a domestic violence felony
5 offense. The state and its officers, agents, and employees shall not
6 be held criminally or civilly liable for its supervision of an
7 individual under this subsection (4)(e)(ii) unless the state and its
8 officers, agents, and employees acted with gross negligence;

9 (f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660,
10 9.94A.670, 9.94A.711, 9.94A.695, or 9.94A.661;

11 (g) Is subject to supervision pursuant to RCW 9.94A.745; or

12 (h) Was convicted and sentenced under RCW 46.61.520 (vehicular
13 homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6)
14 (felony DUI), or RCW 46.61.504(6) (felony physical control).

15 (5) The department shall supervise any individual released by the
16 indeterminate sentence review board who was sentenced to community
17 custody or subject to community custody under the terms of release.

18 (6) The department shall supervise any individual granted
19 conditional commutation pursuant to RCW 9.94A.885.

20 (7) The department is not authorized to, and may not, supervise
21 any individual sentenced to a term of community custody or any
22 probationer unless the individual or probationer is one for whom
23 supervision is required under this section.

24 (8) The department shall conduct a risk assessment for every
25 individual convicted of a felony and sentenced to a term of community
26 custody who may be subject to supervision under this section.

27 (9) The period of time the department is authorized to supervise
28 an individual under this section may not exceed the duration of
29 community custody specified under RCW 9.94B.050, 9.94A.701 (1)
30 through ~~((9))~~ (10), or 9.94A.702, except in cases where the court
31 has imposed an exceptional term of community custody under RCW
32 9.94A.535 and where the governor imposes a term of community custody
33 as a condition of conditional commutation or imposes an additional
34 term of community custody due to a violation of conditional
35 commutation.

36 (10) The period of time the department is authorized to supervise
37 an individual under this section may be reduced by the earned award
38 of supervision compliance credit pursuant to RCW 9.94A.717.

1 **Sec. 7.** RCW 72.09.270 and 2024 c 315 s 1 are each amended to
2 read as follows:

3 (1) The department of corrections shall develop an individual
4 reentry plan as defined in RCW 72.09.015 for every incarcerated
5 individual who is committed to the jurisdiction of the department
6 except:

7 (a) Incarcerated individuals who are sentenced to life without
8 the possibility of release or sentenced to death under chapter 10.95
9 RCW; and

10 (b) Incarcerated individuals who are subject to the provisions of
11 8 U.S.C. Sec. 1227.

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

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

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

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

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

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

39 (b) An individualized portfolio for each incarcerated individual
40 that includes the incarcerated individual's education achievements,

1 certifications, employment, work experience, skills, and any training
2 received prior to and during incarceration; and

3 (c) A plan for the incarcerated individual during the period of
4 incarceration through reentry into the community that addresses the
5 needs of the incarcerated individual including education, employment,
6 substance abuse treatment, mental health treatment, family
7 reunification, and other areas which are needed to facilitate a
8 successful reintegration into the community. For any individual
9 committed to the jurisdiction of the department for a sex offense or
10 failure to register offense, the department shall utilize existing
11 resources and methods to support compliance and improve functioning
12 in the community.

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

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

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

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

30 (A) Pay any application fee required for obtaining the
31 identicard;

32 (B) Provide a photo of the incarcerated individual for use on the
33 identicard under RCW 46.20.035(1), which upon request of the
34 individual must be a different photo than the individual's mug shot
35 and not indicate that the individual was incarcerated at the time of
36 the photo; and

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

1 (b) If the department recommends partial confinement in an
2 incarcerated individual's individual reentry plan, the department
3 shall maximize the period of partial confinement for the incarcerated
4 individual as allowed pursuant to RCW 9.94A.728 to facilitate the
5 incarcerated individual's transition to the community.

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

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

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

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

31 (d)(i) For purposes of this section, except as provided in
32 (d)(ii) of this subsection, the incarcerated individual's county of
33 origin means the county of the incarcerated individual's residence at
34 the time of the incarcerated individual's first felony conviction in
35 Washington state.

36 (ii) If the incarcerated individual is a homeless person as
37 defined in RCW 43.185C.010, or the incarcerated individual's
38 residence is unknown, then the incarcerated individual's county of
39 origin means the county of the incarcerated individual's first felony
40 conviction in Washington state.

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

3 NEW SECTION. **Sec. 8.** (1) The Washington association of sheriffs
4 and police chiefs must review the model policy developed under RCW
5 4.24.5501, and the model policy for Washington law enforcement
6 regarding adult and juvenile sex offender registration and community
7 notification, to identify opportunities to utilize technology and
8 streamline initial and ongoing registration processes, including
9 options for remote registration.

10 (2) The Washington association of sheriffs and police chiefs must
11 report its findings to the appropriate committees of the legislature
12 and the sex offender policy board no later than December 1, 2026, and
13 update the model policy as needed no later than June 1, 2027.

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