

SSB 6775 - H COMM AMD

By Committee on Criminal Justice & Corrections

ADOPTED 03/03/2006

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

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to give
4 public and private entities that provide services to children the tools
5 necessary to prevent convicted child sex offenders from contacting
6 children when those children are within the legal boundaries of the
7 covered public and private entities.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.44 RCW
9 to read as follows:

10 As used in this section and sections 3 and 4 of this act:

11 (1) "Covered entity" means any public facility or private facility
12 whose primary purpose, at any time, is to provide for the education,
13 care, or recreation of a child or children, including but not limited
14 to community and recreational centers, playgrounds, schools, swimming
15 pools, and state or municipal parks.

16 (2) "Child" means a person under the age of eighteen, unless the
17 context clearly indicates that the term is otherwise defined in
18 statute.

19 (3) "Public facility" means a facility operated by a unit of local
20 or state government, or by a nonprofit organization.

21 (4) "Schools" means public and private schools, but does not
22 include home-based instruction as defined in RCW 28A.225.010.

23 (5) "Covered offender" means a person who is eighteen years of age
24 or older, who is not under the jurisdiction of the juvenile
25 rehabilitation authority or currently serving a special sex offender
26 disposition alternative, whose risk level classification has been
27 assessed at a risk level II or a risk level III pursuant to RCW
28 72.09.345, and who, at any time, has been convicted of one or more of
29 the following offenses:

1 (a) Rape of a child in the first, second, and third degree; child
2 molestation in the first, second, and third degree; indecent liberties
3 against a child under age fifteen; sexual misconduct with a minor in
4 the first and second degree; incest in the first and second degree;
5 luring with sexual motivation; possession of depictions of minors
6 engaged in sexually explicit conduct; dealing in depictions of minors
7 engaged in sexually explicit conduct; bringing into the state
8 depictions of minors engaged in sexually explicit conduct; sexual
9 exploitation of a minor; communicating with a minor for immoral
10 purposes; patronizing a juvenile prostitute;

11 (b) Any felony in effect at any time prior to the effective date of
12 this act that is comparable to an offense listed in (a) of this
13 subsection, including, but not limited to, statutory rape in the first
14 and second degrees and carnal knowledge;

15 (c) Any felony offense for which:

16 (i) There was a finding that the offense was committed with sexual
17 motivation; and

18 (ii) The victim of the offense was less than sixteen years of age
19 at the time of the offense;

20 (d) An attempt, conspiracy, or solicitation to commit any of the
21 offenses listed in (a) through (c) of this subsection;

22 (e) Any conviction from any other jurisdiction which is comparable
23 to any of the offenses listed in (a) through (d) of this subsection.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.44 RCW
25 to read as follows:

26 (1) An owner, employee, or agent of a covered entity may order a
27 covered offender from the legal premises of a covered entity as
28 provided under this section. To do this, the owner, employee, or agent
29 of a covered entity must first personally serve on the covered offender
30 a written notice that informs the covered offender that:

31 (a) The covered offender must leave the legal premises of the
32 covered entity and may not return without the written permission of the
33 covered entity; and

34 (b) If the covered offender refuses to leave the legal boundaries
35 of the covered entity, or thereafter returns and enters within the
36 legal boundaries of the covered entity, the offender may be charged and
37 prosecuted for a felony offense as provided in section 4 of this act.

1 (2) An owner, employee, or agent of a covered entity shall be
2 immune from civil liability for damages arising from ejecting a covered
3 offender from a covered entity or from failing to eject a covered
4 offender from a covered entity.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 9A.44 RCW
6 to read as follows:

7 (1) A person is guilty of the crime of criminal trespass against
8 children if he or she:

9 (a) Is a covered offender as defined in section 2 of this act;

10 (b) Receives written notice that complies with the requirements of
11 section 3 of this act that he or she is not permitted to remain upon or
12 reenter the legal boundaries of the covered entity; and

13 (c) Remains upon or reenters the legal boundaries of the covered
14 entity without the written permission of the covered entity.

15 (2) Criminal trespass against children is a class C felony.

16 **Sec. 5.** RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are
17 each reenacted and amended to read as follows:

18 TABLE 2

19 CRIMES INCLUDED WITHIN
20 EACH SERIOUSNESS LEVEL

| | | |
|----|------|---------------------------------------|
| 21 | XVI | Aggravated Murder 1 (RCW |
| 22 | | 10.95.020) |
| 23 | XV | Homicide by abuse (RCW 9A.32.055) |
| 24 | | Malicious explosion 1 (RCW |
| 25 | | 70.74.280(1)) |
| 26 | | Murder 1 (RCW 9A.32.030) |
| 27 | XIV | Murder 2 (RCW 9A.32.050) |
| 28 | | Trafficking 1 (RCW 9A.40.100(1)) |
| 29 | XIII | Malicious explosion 2 (RCW |
| 30 | | 70.74.280(2)) |
| 31 | | Malicious placement of an explosive 1 |
| 32 | | (RCW 70.74.270(1)) |
| 33 | XII | Assault 1 (RCW 9A.36.011) |
| 34 | | Assault of a Child 1 (RCW 9A.36.120) |

1 Malicious placement of an imitation
2 device 1 (RCW 70.74.272(1)(a))
3 Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 Trafficking 2 (RCW 9A.40.100(2))
6 XI Manslaughter 1 (RCW 9A.32.060)
7 Rape 2 (RCW 9A.44.050)
8 Rape of a Child 2 (RCW 9A.44.076)
9 X Child Molestation 1 (RCW 9A.44.083)
10 Indecent Liberties (with forcible
11 compulsion) (RCW
12 9A.44.100(1)(a))
13 Kidnapping 1 (RCW 9A.40.020)
14 Leading Organized Crime (RCW
15 9A.82.060(1)(a))
16 Malicious explosion 3 (RCW
17 70.74.280(3))
18 Sexually Violent Predator Escape
19 (RCW 9A.76.115)
20 IX Assault of a Child 2 (RCW 9A.36.130)
21 Explosive devices prohibited (RCW
22 70.74.180)
23 Hit and Run--Death (RCW
24 46.52.020(4)(a))
25 Homicide by Watercraft, by being
26 under the influence of intoxicating
27 liquor or any drug (RCW
28 79A.60.050)
29 Inciting Criminal Profiteering (RCW
30 9A.82.060(1)(b))
31 Malicious placement of an explosive 2
32 (RCW 70.74.270(2))
33 Robbery 1 (RCW 9A.56.200)
34 Sexual Exploitation (RCW 9.68A.040)
35 Vehicular Homicide, by being under
36 the influence of intoxicating liquor
37 or any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)
2 Homicide by Watercraft, by the
3 operation of any vessel in a
4 reckless manner (RCW
5 79A.60.050)
6 Manslaughter 2 (RCW 9A.32.070)
7 Promoting Prostitution 1 (RCW
8 9A.88.070)
9 Theft of Ammonia (RCW 69.55.010)
10 Vehicular Homicide, by the operation
11 of any vehicle in a reckless
12 manner (RCW 46.61.520)
13 VII Burglary 1 (RCW 9A.52.020)
14 Child Molestation 2 (RCW 9A.44.086)
15 Civil Disorder Training (RCW
16 9A.48.120)
17 Dealing in depictions of minor
18 engaged in sexually explicit
19 conduct (RCW 9.68A.050)
20 Drive-by Shooting (RCW 9A.36.045)
21 Homicide by Watercraft, by disregard
22 for the safety of others (RCW
23 79A.60.050)
24 Indecent Liberties (without forcible
25 compulsion) (RCW 9A.44.100(1)
26 (b) and (c))
27 Introducing Contraband 1 (RCW
28 9A.76.140)
29 Malicious placement of an explosive 3
30 (RCW 70.74.270(3))
31 Negligently Causing Death By Use of
32 a Signal Preemption Device
33 (RCW 46.37.675)
34 Sending, bringing into state depictions
35 of minor engaged in sexually
36 explicit conduct (RCW
37 9.68A.060)

1 Unlawful Possession of a Firearm in
2 the first degree (RCW
3 9.41.040(1))
4 Use of a Machine Gun in Commission
5 of a Felony (RCW 9.41.225)
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
14 9A.72.160)
15 Intimidating a Juror/Witness (RCW
16 9A.72.110, 9A.72.130)
17 Malicious placement of an imitation
18 device 2 (RCW 70.74.272(1)(b))
19 Rape of a Child 3 (RCW 9A.44.079)
20 Theft of a Firearm (RCW 9A.56.300)
21 Unlawful Storage of Ammonia (RCW
22 69.55.020)
23 V Abandonment of dependent person 1
24 (RCW 9A.42.060)
25 Advancing money or property for
26 extortionate extension of credit
27 (RCW 9A.82.030)
28 Bail Jumping with class A Felony
29 (RCW 9A.76.170(3)(b))
30 Child Molestation 3 (RCW 9A.44.089)
31 Criminal Mistreatment 1 (RCW
32 9A.42.020)
33 Custodial Sexual Misconduct 1 (RCW
34 9A.44.160)

1 Domestic Violence Court Order
2 Violation (RCW 10.99.040,
3 10.99.050, 26.09.300, 26.10.220,
4 26.26.138, 26.50.110, 26.52.070,
5 or 74.34.145)
6 Extortion 1 (RCW 9A.56.120)
7 Extortionate Extension of Credit
8 (RCW 9A.82.020)
9 Extortionate Means to Collect
10 Extensions of Credit (RCW
11 9A.82.040)
12 Incest 2 (RCW 9A.64.020(2))
13 Kidnapping 2 (RCW 9A.40.030)
14 Perjury 1 (RCW 9A.72.020)
15 Persistent prison misbehavior (RCW
16 9.94.070)
17 Possession of a Stolen Firearm (RCW
18 9A.56.310)
19 Rape 3 (RCW 9A.44.060)
20 Rendering Criminal Assistance 1
21 (RCW 9A.76.070)
22 Sexual Misconduct with a Minor 1
23 (RCW 9A.44.093)
24 Sexually Violating Human Remains
25 (RCW 9A.44.105)
26 Stalking (RCW 9A.46.110)
27 Taking Motor Vehicle Without
28 Permission 1 (RCW 9A.56.070)
29 IV Arson 2 (RCW 9A.48.030)
30 Assault 2 (RCW 9A.36.021)
31 Assault 3 (of a Peace Officer with a
32 Projectile Stun Gun) (RCW
33 9A.36.031(1)(h))
34 Assault by Watercraft (RCW
35 79A.60.060)

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

1 Unlawful transaction of health
2 coverage as a health care service
3 contractor (RCW 48.44.016(3))
4 Unlawful transaction of health
5 coverage as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(3))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicular Assault, by being under the
15 influence of intoxicating liquor or
16 any drug, or by the operation or
17 driving of a vehicle in a reckless
18 manner (RCW 46.61.522)
19 Willful Failure to Return from
20 Furlough (RCW 72.66.060)
21 III Abandonment of dependent person 2
22 (RCW 9A.42.070)
23 Assault 3 (Except Assault 3 of a Peace
24 Officer With a Projectile Stun
25 Gun) (RCW 9A.36.031 except
26 subsection (1)(h))
27 Assault of a Child 3 (RCW 9A.36.140)
28 Bail Jumping with class B or C Felony
29 (RCW 9A.76.170(3)(c))
30 Burglary 2 (RCW 9A.52.030)
31 Communication with a Minor for
32 Immoral Purposes (RCW
33 9.68A.090)
34 Criminal Gang Intimidation (RCW
35 9A.46.120)
36 Criminal Mistreatment 2 (RCW
37 9A.42.030)

1 Custodial Assault (RCW 9A.36.100)
2 Cyberstalking (subsequent conviction
3 or threat of death) (RCW
4 9.61.260(3))
5 Escape 2 (RCW 9A.76.120)
6 Extortion 2 (RCW 9A.56.130)
7 Harassment (RCW 9A.46.020)
8 Intimidating a Public Servant (RCW
9 9A.76.180)
10 Introducing Contraband 2 (RCW
11 9A.76.150)
12 Malicious Injury to Railroad Property
13 (RCW 81.60.070)
14 Negligently Causing Substantial Bodily
15 Harm By Use of a Signal
16 Preemption Device (RCW
17 46.37.674)
18 Patronizing a Juvenile Prostitute
19 (RCW 9.68A.100)
20 Perjury 2 (RCW 9A.72.030)
21 Possession of Incendiary Device (RCW
22 9.40.120)
23 Possession of Machine Gun or Short-
24 Barreled Shotgun or Rifle (RCW
25 9.41.190)
26 Promoting Prostitution 2 (RCW
27 9A.88.080)
28 Securities Act violation (RCW
29 21.20.400)
30 Tampering with a Witness (RCW
31 9A.72.120)
32 Telephone Harassment (subsequent
33 conviction or threat of death)
34 (RCW 9.61.230(2))
35 Theft of Livestock 2 (RCW 9A.56.083)
36 Trafficking in Stolen Property 2 (RCW
37 9A.82.055)

1 Unlawful Imprisonment (RCW
2 9A.40.040)
3 Unlawful possession of firearm in the
4 second degree (RCW 9.41.040(2))
5 Vehicular Assault, by the operation or
6 driving of a vehicle with disregard
7 for the safety of others (RCW
8 46.61.522)
9 Willful Failure to Return from Work
10 Release (RCW 72.65.070)
11 II Computer Trespass 1 (RCW
12 9A.52.110)
13 Counterfeiting (RCW 9.16.035(3))
14 Escape from Community Custody
15 (RCW 72.09.310)
16 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
22 9A.48.070)
23 Possession of Stolen Property 1 (RCW
24 9A.56.150)
25 Theft 1 (RCW 9A.56.030)
26 Theft of Rental, Leased, or Lease-
27 purchased Property (valued at one
28 thousand five hundred dollars or
29 more) (RCW 9A.56.096(5)(a))
30 Trafficking in Insurance Claims (RCW
31 48.30A.015)
32 Unlawful factoring of a credit card or
33 payment card transaction (RCW
34 9A.56.290(4)(a))
35 Unlawful Practice of Law (RCW
36 2.48.180)

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))
3 I Attempting to Elude a Pursuing Police
4 Vehicle (RCW 46.61.024)
5 False Verification for Welfare (RCW
6 74.08.055)
7 Forgery (RCW 9A.60.020)
8 Fraudulent Creation or Revocation of a
9 Mental Health Advance Directive
10 (RCW 9A.60.060)
11 Malicious Mischief 2 (RCW
12 9A.48.080)
13 Mineral Trespass (RCW 78.44.330)
14 Possession of Stolen Property 2 (RCW
15 9A.56.160)
16 Reckless Burning 1 (RCW 9A.48.040)
17 Taking Motor Vehicle Without
18 Permission 2 (RCW 9A.56.075)
19 Theft 2 (RCW 9A.56.040)
20 Theft of Rental, Leased, or Lease-
21 purchased Property (valued at two
22 hundred fifty dollars or more but
23 less than one thousand five
24 hundred dollars) (RCW
25 9A.56.096(5)(b))
26 Transaction of insurance business
27 beyond the scope of licensure
28 (RCW 48.17.063(4))
29 Unlawful Issuance of Checks or Drafts
30 (RCW 9A.56.060)
31 Unlawful Possession of Fictitious
32 Identification (RCW 9A.56.320)
33 Unlawful Possession of Instruments of
34 Financial Fraud (RCW
35 9A.56.320)
36 Unlawful Possession of Payment
37 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 Trafficking in Food Stamps
7 (RCW 9.91.142)
8 Unlawful Use of Food Stamps (RCW
9 9.91.144)
10 Vehicle Prowl 1 (RCW 9A.52.095)

11 NEW SECTION. **Sec. 6.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and takes effect
18 immediately."

19 Correct the title.

EFFECT: Includes in the definition of "covered offender" a level II or III adult offender, who is not under the jurisdiction of DSHS or serving an SSODA, who has been convicted of: (1) Indecent liberties against a child under fifteen (the bill currently refers to both indecent liberties against a child under fourteen and indecent liberties against a child under fifteen) and (2) any felony in effect at any time prior to the effective date of the act that is comparable to one of the offenses listed in the act, including, but not limited to, statutory rape in the first and second degrees and carnal knowledge. Expands the immunity from civil liability to cover damages arising from failing to eject a covered offender from a covered entity.

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