

**HB 3277 - S AMD 305**  
By Senator Benton

PULLED 03/01/2006

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

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

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

14 A person is guilty of aggravated first degree murder, a class A  
15 felony, if he or she commits first degree murder as defined by RCW  
16 9A.32.030(1)(a), as now or hereafter amended, and one or more of the  
17 following aggravating circumstances exist:

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

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

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

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

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

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

10 (7) The murder was committed during the course of or as a result of  
11 a shooting where the discharge of the firearm, as defined in RCW  
12 9.41.010, is either from a motor vehicle or from the immediate area of  
13 a motor vehicle that was used to transport the shooter or the firearm,  
14 or both, to the scene of the discharge;

15 (8) The victim was:

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

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

22 (9) The person committed the murder to conceal the commission of a  
23 crime or to protect or conceal the identity of any person committing a  
24 crime, including, but specifically not limited to, any attempt to avoid  
25 prosecution as a persistent offender as defined in RCW 9.94A.030;

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

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

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

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

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

33 (d) Kidnapping in the first degree; or

34 (e) Arson in the first degree;

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

1 (13) At the time the person committed the murder, there existed a  
2 court order, issued in this or any other state, which prohibited the  
3 person from either contacting the victim, molesting the victim, or  
4 disturbing the peace of the victim, and the person had knowledge of the  
5 existence of that order;

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

- 12 (a) Harassment as defined in RCW 9A.46.020; or  
13 (b) Any criminal assault;

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

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

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

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

24 (b) An offender convicted of the crime of assault in the first  
25 degree or assault of a child in the first degree where the offender  
26 used force or means likely to result in death or intended to kill the  
27 victim shall be sentenced to a term of total confinement not less than  
28 five years.

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

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

35 (e) An offender convicted of the crime of rape of a child in the  
36 first degree or child molestation in the first degree shall be  
37 sentenced to a minimum term of total confinement not less than twenty-

1 five years. An offender sentenced under this subsection (1)(e) is  
2 subject to lifetime supervision with electronic monitoring for any  
3 period of partial confinement.

4 (2) During such minimum terms of total confinement, no offender  
5 subject to the provisions of this section is eligible for community  
6 custody, earned release time, furlough, home detention, partial  
7 confinement, work crew, work release, or any other form of early  
8 release authorized under RCW 9.94A.728, or any other form of authorized  
9 leave of absence from the correctional facility while not in the direct  
10 custody of a corrections officer. The provisions of this subsection  
11 shall not apply: (a) In the case of an offender in need of emergency  
12 medical treatment; (b) for the purpose of commitment to an inpatient  
13 treatment facility in the case of an offender convicted of the crime of  
14 rape in the first degree; or (c) for an extraordinary medical placement  
15 when authorized under RCW 9.94A.728(4).

16 (3)(a) Subsection (1) of this section shall not be applied in  
17 sentencing of juveniles tried as adults pursuant to RCW  
18 13.04.030(1)(e)(i).

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

21 **Sec. 4.** RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are  
22 each reenacted and amended to read as follows:

23 TABLE 2

24 CRIMES INCLUDED WITHIN  
25 EACH SERIOUSNESS LEVEL

- 26 XVI Aggravated Murder 1 (RCW  
27 10.95.020)
- 28 XV Child Molestation 1 (RCW 9A.44.083)  
29 Homicide by abuse (RCW 9A.32.055)  
30 Malicious explosion 1 (RCW  
31 70.74.280(1))  
32 Murder 1 (RCW 9A.32.030)  
33 Rape of a Child 1 (RCW 9A.44.073)
- 34 XIV Murder 2 (RCW 9A.32.050)  
35 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 Rape 1 (RCW 9A.44.040)  
10 ~~((Rape of a Child 1 (RCW~~  
11 ~~9A.44.073)))~~  
12 Trafficking 2 (RCW 9A.40.100(2))  
13 XI Manslaughter 1 (RCW 9A.32.060)  
14 Rape 2 (RCW 9A.44.050)  
15 Rape of a Child 2 (RCW 9A.44.076)  
16 X ~~((Child Molestation 1 (RCW~~  
17 ~~9A.44.083)))~~  
18 Indecent Liberties (with forcible  
19 compulsion) (RCW  
20 9A.44.100(1)(a))  
21 Kidnapping 1 (RCW 9A.40.020)  
22 Leading Organized Crime (RCW  
23 9A.82.060(1)(a))  
24 Malicious explosion 3 (RCW  
25 70.74.280(3))  
26 Sexually Violent Predator Escape  
27 (RCW 9A.76.115)  
28 IX Assault of a Child 2 (RCW 9A.36.130)  
29 Explosive devices prohibited (RCW  
30 70.74.180)  
31 Hit and Run--Death (RCW  
32 46.52.020(4)(a))  
33 Homicide by Watercraft, by being  
34 under the influence of intoxicating  
35 liquor or any drug (RCW  
36 79A.60.050)

1 Inciting Criminal Profiteering (RCW  
2 9A.82.060(1)(b))  
3 Malicious placement of an explosive 2  
4 (RCW 70.74.270(2))  
5 Robbery 1 (RCW 9A.56.200)  
6 Sexual Exploitation (RCW 9.68A.040)  
7 Vehicular Homicide, by being under  
8 the influence of intoxicating liquor  
9 or any drug (RCW 46.61.520)  
10 VIII Arson 1 (RCW 9A.48.020)  
11 Homicide by Watercraft, by the  
12 operation of any vessel in a  
13 reckless manner (RCW  
14 79A.60.050)  
15 Manslaughter 2 (RCW 9A.32.070)  
16 Promoting Prostitution 1 (RCW  
17 9A.88.070)  
18 Theft of Ammonia (RCW 69.55.010)  
19 Vehicular Homicide, by the operation  
20 of any vehicle in a reckless  
21 manner (RCW 46.61.520)  
22 VII Burglary 1 (RCW 9A.52.020)  
23 Child Molestation 2 (RCW 9A.44.086)  
24 Civil Disorder Training (RCW  
25 9A.48.120)  
26 Dealing in depictions of minor  
27 engaged in sexually explicit  
28 conduct (RCW 9.68A.050)  
29 Drive-by Shooting (RCW 9A.36.045)  
30 Homicide by Watercraft, by disregard  
31 for the safety of others (RCW  
32 79A.60.050)  
33 Indecent Liberties (without forcible  
34 compulsion) (RCW 9A.44.100(1)  
35 (b) and (c))  
36 Introducing Contraband 1 (RCW  
37 9A.76.140)

1 Malicious placement of an explosive 3  
2 (RCW 70.74.270(3))  
3 Negligently Causing Death By Use of  
4 a Signal Preemption Device  
5 (RCW 46.37.675)  
6 Sending, bringing into state depictions  
7 of minor engaged in sexually  
8 explicit conduct (RCW  
9 9.68A.060)  
10 Unlawful Possession of a Firearm in  
11 the first degree (RCW  
12 9.41.040(1))  
13 Use of a Machine Gun in Commission  
14 of a Felony (RCW 9.41.225)  
15 Vehicular Homicide, by disregard for  
16 the safety of others (RCW  
17 46.61.520)  
18 VI Bail Jumping with Murder 1 (RCW  
19 9A.76.170(3)(a))  
20 Bribery (RCW 9A.68.010)  
21 Incest 1 (RCW 9A.64.020(1))  
22 Intimidating a Judge (RCW  
23 9A.72.160)  
24 Intimidating a Juror/Witness (RCW  
25 9A.72.110, 9A.72.130)  
26 Malicious placement of an imitation  
27 device 2 (RCW 70.74.272(1)(b))  
28 Rape of a Child 3 (RCW 9A.44.079)  
29 Theft of a Firearm (RCW 9A.56.300)  
30 Unlawful Storage of Ammonia (RCW  
31 69.55.020)  
32 V Abandonment of dependent person 1  
33 (RCW 9A.42.060)  
34 Advancing money or property for  
35 extortionate extension of credit  
36 (RCW 9A.82.030)

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 1 (RCW  
5 9A.42.020)  
6 Custodial Sexual Misconduct 1 (RCW  
7 9A.44.160)  
8 Domestic Violence Court Order  
9 Violation (RCW 10.99.040,  
10 10.99.050, 26.09.300, 26.10.220,  
11 26.26.138, 26.50.110, 26.52.070,  
12 or 74.34.145)  
13 Extortion 1 (RCW 9A.56.120)  
14 Extortionate Extension of Credit  
15 (RCW 9A.82.020)  
16 Extortionate Means to Collect  
17 Extensions of Credit (RCW  
18 9A.82.040)  
19 Incest 2 (RCW 9A.64.020(2))  
20 Kidnapping 2 (RCW 9A.40.030)  
21 Perjury 1 (RCW 9A.72.020)  
22 Persistent prison misbehavior (RCW  
23 9.94.070)  
24 Possession of a Stolen Firearm (RCW  
25 9A.56.310)  
26 Rape 3 (RCW 9A.44.060)  
27 Rendering Criminal Assistance 1  
28 (RCW 9A.76.070)  
29 Sexual Misconduct with a Minor 1  
30 (RCW 9A.44.093)  
31 Sexually Violating Human Remains  
32 (RCW 9A.44.105)  
33 Stalking (RCW 9A.46.110)  
34 Taking Motor Vehicle Without  
35 Permission 1 (RCW 9A.56.070)  
36 IV Arson 2 (RCW 9A.48.030)  
37 Assault 2 (RCW 9A.36.021)



1 Assault 3 (of a Peace Officer with a  
2 Projectile Stun Gun) (RCW  
3 9A.36.031(1)(h))  
4 Assault by Watercraft (RCW  
5 79A.60.060)  
6 Bribing a Witness/Bribe Received by  
7 Witness (RCW 9A.72.090,  
8 9A.72.100)  
9 Cheating 1 (RCW 9.46.1961)  
10 Commercial Bribery (RCW  
11 9A.68.060)  
12 Counterfeiting (RCW 9.16.035(4))  
13 Endangerment with a Controlled  
14 Substance (RCW 9A.42.100)  
15 Escape 1 (RCW 9A.76.110)  
16 Hit and Run--Injury (RCW  
17 46.52.020(4)(b))  
18 Hit and Run with Vessel--Injury  
19 Accident (RCW 79A.60.200(3))  
20 Identity Theft 1 (RCW 9.35.020(2))  
21 Indecent Exposure to Person Under  
22 Age Fourteen (subsequent sex  
23 offense) (RCW 9A.88.010)  
24 Influencing Outcome of Sporting  
25 Event (RCW 9A.82.070)  
26 Malicious Harassment (RCW  
27 9A.36.080)  
28 Residential Burglary (RCW  
29 9A.52.025)  
30 Robbery 2 (RCW 9A.56.210)  
31 Theft of Livestock 1 (RCW 9A.56.080)  
32 Threats to Bomb (RCW 9.61.160)  
33 Trafficking in Stolen Property 1 (RCW  
34 9A.82.050)  
35 Unlawful factoring of a credit card or  
36 payment card transaction (RCW  
37 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 **Sec. 5.** RCW 9.94A.720 and 2003 c 379 s 7 are each amended to read  
12 as follows:

13 (1)(a) Except as provided in RCW 9.94A.501, all offenders sentenced  
14 to terms involving community supervision, community restitution,  
15 community placement, or community custody shall be under the  
16 supervision of the department and shall follow explicitly the  
17 instructions and conditions of the department. The department may  
18 require an offender to perform affirmative acts it deems appropriate to  
19 monitor compliance with the conditions of the sentence imposed. The  
20 department may only supervise the offender's compliance with payment of  
21 legal financial obligations during any period in which the department  
22 is authorized to supervise the offender in the community under RCW  
23 9.94A.501.

24 (b) The instructions shall include, at a minimum, reporting as  
25 directed to a community corrections officer, remaining within  
26 prescribed geographical boundaries, notifying the community corrections  
27 officer of any change in the offender's address or employment, and  
28 paying the supervision fee assessment.

29 (c) For offenders sentenced to terms involving community custody  
30 for crimes committed on or after June 6, 1996, the department may  
31 include, in addition to the instructions in (b) of this subsection, any  
32 appropriate conditions of supervision, including but not limited to,  
33 prohibiting the offender from having contact with any other specified  
34 individuals or specific class of individuals.

35 (d) All sex offenders sentenced to terms involving community  
36 supervision, community placement, or community custody before, on, or

1 after the effective date of this act shall be subject to electronic  
2 monitoring for the remainder of the offender's term.

3 All sex offenders subject to electronic monitoring under this  
4 section shall be responsible for the total costs of any electronic  
5 monitoring device or system, including daily equipment costs,  
6 manufacturing fees, and fees related to repair and monitoring and the  
7 effective and efficient use of this equipment or system.

8 (e) For offenders sentenced to terms of community custody for  
9 crimes committed on or after July 1, 2000, the department may impose  
10 conditions as specified in RCW 9.94A.715.

11 The conditions authorized under (c) of this subsection may be  
12 imposed by the department prior to or during an offender's community  
13 custody term. If a violation of conditions imposed by the court or the  
14 department pursuant to RCW 9.94A.710 occurs during community custody,  
15 it shall be deemed a violation of community placement for the purposes  
16 of RCW 9.94A.740 and shall authorize the department to transfer an  
17 offender to a more restrictive confinement status as provided in RCW  
18 9.94A.737. At any time prior to the completion of an offender's term  
19 of community custody, the department may recommend to the court that  
20 any or all of the conditions imposed by the court or the department  
21 pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the  
22 expiration of the offender's term of community custody as authorized in  
23 RCW 9.94A.715 (3) or (5).

24 The department may require offenders to pay for special services  
25 rendered on or after July 25, 1993, including ~~((electronic~~  
26 ~~monitoring<sub>7</sub>))~~ day reporting~~((<sub>7</sub>))~~ and telephone reporting, dependent  
27 upon the offender's ability to pay. The department may pay for these  
28 services for offenders who are not able to pay.

29 (2) No offender sentenced to terms involving community supervision,  
30 community restitution, community custody, or community placement under  
31 the supervision of the department may own, use, or possess firearms or  
32 ammunition. Offenders who own, use, or are found to be in actual or  
33 constructive possession of firearms or ammunition shall be subject to  
34 the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and  
35 9.94A.740. "Constructive possession" as used in this subsection means  
36 the power and intent to control the firearm or ammunition. "Firearm"  
37 as used in this subsection has the same definition as in RCW 9.41.010.

1       **Sec. 6.** RCW 9.95.204 and 2005 c 400 s 2 and 2005 c 362 s 3 are  
2 each reenacted and amended to read as follows:

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

7       (2) A county legislative authority may assume responsibility for  
8 the supervision of all defendants within its jurisdiction who have been  
9 convicted of a misdemeanor or gross misdemeanor and sentenced to  
10 probation by a superior court. The assumption of responsibility shall  
11 be made by contract with the department of corrections on a biennial  
12 basis.

13       (3) If a county assumes supervision responsibility, the county  
14 shall supervise all superior court misdemeanant probationers within  
15 that county for the duration of the biennium, as set forth in the  
16 contract with the department of corrections.

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

20       (a) The county's agreement to supervise all misdemeanant  
21 probationers who are sentenced by a superior court within that county  
22 and who reside within that county;

23       (b) A reciprocal agreement regarding the supervision of superior  
24 court misdemeanant probationers sentenced in one county but who reside  
25 in another county;

26       (c) The county's agreement to comply with the minimum standards for  
27 classification and supervision of offenders as required under RCW  
28 9.95.206;

29       (d) The amount of funds available from the department of  
30 corrections to the county for supervision of superior court  
31 misdemeanant probationers, calculated according to a formula  
32 established by the department of corrections;

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

35       (f) The county's agreement that any funds received by the county  
36 under the contract will be expended only to cover costs of supervision  
37 of superior court misdemeanant probationers;



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

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

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

9 (5) If the contract between the county and the department of  
10 corrections is terminated for any reason, the department of corrections  
11 shall reassume responsibility for supervision of superior court  
12 misdemeanor probationers within that county. In such an event, the  
13 department of corrections retains any and all rights and remedies  
14 available by law and under the contract.

15 (6) The state of Washington, the department of corrections and its  
16 employees, community corrections officers, and volunteers who assist  
17 community corrections officers are not liable for any harm caused by  
18 the actions of a superior court misdemeanor probationer who is under  
19 the supervision of a county. A county, its probation department and  
20 employees, probation officers, and volunteers who assist probation  
21 officers are not liable for any harm caused by the actions of a  
22 superior court misdemeanor probationer who is under the supervision of  
23 the department of corrections. This subsection applies regardless of  
24 whether the supervising entity is in compliance with the standards of  
25 supervision at the time of the misdemeanor probationer's actions.

26 (7) The state of Washington, the department of corrections and its  
27 employees, community corrections officers, any county under contract  
28 with the department of corrections pursuant to this section and its  
29 employees, probation officers, and volunteers who assist community  
30 corrections officers and probation officers in the superior court  
31 misdemeanor probation program are not liable for civil damages  
32 resulting from any act or omission in the rendering of superior court  
33 misdemeanor probation activities unless the act or omission  
34 constitutes gross negligence. For purposes of this section,  
35 "volunteers" is defined according to RCW 51.12.035.

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

1 (9)(a) If a misdemeanor probationer requests permission to travel  
2 or transfer to another state, the assigned probation officer employed  
3 or contracted for by the county shall determine whether such request is  
4 subject to RCW 9.94A.745, the interstate compact for adult offender  
5 supervision. If such request is subject to the compact, the probation  
6 officer shall:

7 (i) Notify the department of corrections of the probationer's  
8 request;

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

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

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

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

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

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

23 **Sec. 7.** RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read  
24 as follows:

25 (1)(a) Any adult or juvenile residing whether or not the person has  
26 a fixed residence, or who is a student, is employed, or carries on a  
27 vocation in this state who has been found to have committed or has been  
28 convicted of any sex offense or kidnapping offense, or who has been  
29 found not guilty by reason of insanity under chapter 10.77 RCW of  
30 committing any sex offense or kidnapping offense, shall register with  
31 the county sheriff for the county of the person's residence, or if the  
32 person is not a resident of Washington, the county of the person's  
33 school, or place of employment or vocation, or as otherwise specified  
34 in this section. Where a person required to register under this  
35 section is in custody of the state department of corrections, the state  
36 department of social and health services, a local division of youth  
37 services, or a local jail or juvenile detention facility as a result of

1 a sex offense or kidnapping offense, the person shall also register at  
2 the time of release from custody with an official designated by the  
3 agency that has jurisdiction over the person.

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

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

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

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

22 (iv) Whose enrollment or employment at a public or private  
23 institution of higher education is terminated shall, within ten days of  
24 such termination, notify the sheriff for the county of the person's  
25 residence of the person's termination of enrollment or employment at  
26 the institution.

27 (c) Persons required to register under this section who are  
28 enrolled in a public or private institution of higher education on June  
29 11, 1998, or a public or private school regulated under Title 28A RCW  
30 or chapter 72.40 RCW on September 1, 2006, must notify the county  
31 sheriff immediately.

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

36 (e)(i) A principal receiving notice under this subsection must  
37 disclose the information received from the sheriff under (b) of this  
38 subsection as follows:

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

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

12 (ii) Any information received by a principal or school personnel  
13 under this subsection is confidential and may not be further  
14 disseminated except as provided in RCW 28A.225.330, other statutes or  
15 case law, and the family and educational and privacy rights act of  
16 1994, 20 U.S.C. Sec. 1232g et seq.

17 (2) This section may not be construed to confer any powers pursuant  
18 to RCW ((4.24.500)) 4.24.550 upon the public safety department of any  
19 public or private school or institution of higher education.

20 (3)(a) The person shall provide the following information when  
21 registering: (i) Name; (ii) address; (iii) date and place of birth;  
22 (iv) place of employment; (v) crime for which convicted; (vi) date and  
23 place of conviction; (vii) aliases used; (viii) social security number;  
24 (ix) photograph; and (x) fingerprints.

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

31 (c) Any person required to register pursuant to this section shall  
32 verify, under penalty of law and with the county sheriff, twice a year  
33 that all of the information required in this subsection remains  
34 accurate. Failure to verify registration information twice a year  
35 constitutes a per se violation of this section and is punishable as  
36 provided in subsection (10) of this section.

37 (4)(a) Offenders shall register with the county sheriff within the

1 following deadlines. For purposes of this section the term  
2 "conviction" refers to adult convictions and juvenile adjudications for  
3 sex offenses or kidnapping offenses:

4 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
5 offense on, before, or after February 28, 1990, and who, on or after  
6 July 28, 1991, are in custody, as a result of that offense, of the  
7 state department of corrections, the state department of social and  
8 health services, a local division of youth services, or a local jail or  
9 juvenile detention facility, and (B) kidnapping offenders who on or  
10 after July 27, 1997, are in custody of the state department of  
11 corrections, the state department of social and health services, a  
12 local division of youth services, or a local jail or juvenile detention  
13 facility, must register at the time of release from custody with an  
14 official designated by the agency that has jurisdiction over the  
15 offender. The agency shall within three days forward the registration  
16 information to the county sheriff for the county of the offender's  
17 anticipated residence. The offender must also register within twenty-  
18 four hours from the time of release with the county sheriff for the  
19 county of the person's residence, or if the person is not a resident of  
20 Washington, the county of the person's school, or place of employment  
21 or vocation. The agency that has jurisdiction over the offender shall  
22 provide notice to the offender of the duty to register. Failure to  
23 register at the time of release and within twenty-four hours of release  
24 constitutes a violation of this section and is punishable as provided  
25 in subsection (10) of this section.

26 When the agency with jurisdiction intends to release an offender  
27 with a duty to register under this section, and the agency has  
28 knowledge that the offender is eligible for developmental disability  
29 services from the department of social and health services, the agency  
30 shall notify the division of developmental disabilities of the release.  
31 Notice shall occur not more than thirty days before the offender is to  
32 be released. The agency and the division shall assist the offender in  
33 meeting the initial registration requirement under this section.  
34 Failure to provide such assistance shall not constitute a defense for  
35 any violation of this section.

36 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
37 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody  
38 but are under the jurisdiction of the indeterminate sentence review

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

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

1 kidnapping offender required to register as of July 27, 1997 shall not  
2 relieve the offender of the duty to register or to reregister following  
3 a change in residence, or if the person is not a resident of  
4 Washington, the county of the person's school, or place of employment  
5 or vocation. The obligation to register shall only cease pursuant to  
6 RCW 9A.44.140.

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

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

36 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
37 or juvenile who has been found not guilty by reason of insanity under  
38 chapter 10.77 RCW of (A) committing a sex offense on, before, or after

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

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

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

34 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
35 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
36 who move to another state, or who work, carry on a vocation, or attend  
37 school in another state shall register a new address, fingerprints, and  
38 photograph with the new state within ten days after establishing



1 residence, or after beginning to work, carry on a vocation, or attend  
2 school in the new state. The person must also send written notice  
3 within ten days of moving to the new state or to a foreign country to  
4 the county sheriff with whom the person last registered in Washington  
5 state. The county sheriff shall promptly forward this information to  
6 the Washington state patrol.

7 (b) Failure to register within the time required under this section  
8 constitutes a per se violation of this section and is punishable as  
9 provided in subsection (10) of this section. The county sheriff shall  
10 not be required to determine whether the person is living within the  
11 county.

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

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

28 (5)(a) If any person required to register pursuant to this section  
29 changes his or her residence address within the same county, the person  
30 must send written notice of the change of address to the county sheriff  
31 within seventy-two hours of moving. If any person required to register  
32 pursuant to this section moves to a new county, the person must send  
33 written notice of the change of address at least fourteen days before  
34 moving to the county sheriff in the new county of residence and must  
35 register with that county sheriff within twenty-four hours of moving.  
36 The person must also send written notice within ten days of the change  
37 of address in the new county to the county sheriff with whom the person  
38 last registered. The county sheriff with whom the person last

1 registered shall promptly forward the information concerning the change  
2 of address to the county sheriff for the county of the person's new  
3 residence. Upon receipt of notice of change of address to a new state,  
4 the county sheriff shall promptly forward the information regarding the  
5 change of address to the agency designated by the new state as the  
6 state's offender registration agency.

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

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

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

35 (c) If any person required to register pursuant to this section  
36 does not have a fixed residence, it is an affirmative defense to the  
37 charge of failure to register, that he or she provided written notice  
38 to the sheriff of the county where he or she last registered within

1 forty-eight hours excluding weekends and holidays after ceasing to have  
2 a fixed residence and has subsequently complied with the requirements  
3 of subsections (4)(a)(vii) or (viii) and (6) of this section. To  
4 prevail, the person must prove the defense by a preponderance of the  
5 evidence.

6 (7) A sex offender subject to registration requirements under this  
7 section who applies to change his or her name under RCW 4.24.130 or any  
8 other law shall submit a copy of the application to the county sheriff  
9 of the county of the person's residence and to the state patrol not  
10 fewer than five days before the entry of an order granting the name  
11 change. No sex offender under the requirement to register under this  
12 section at the time of application shall be granted an order changing  
13 his or her name if the court finds that doing so will interfere with  
14 legitimate law enforcement interests, except that no order shall be  
15 denied when the name change is requested for religious or legitimate  
16 cultural reasons or in recognition of marriage or dissolution of  
17 marriage. A sex offender under the requirement to register under this  
18 section who receives an order changing his or her name shall submit a  
19 copy of the order to the county sheriff of the county of the person's  
20 residence and to the state patrol within five days of the entry of the  
21 order.

22 (8) The county sheriff shall obtain a photograph of the individual  
23 and shall obtain a copy of the individual's fingerprints.

24 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,  
25 70.48.470, and 72.09.330:

26 (a) "Sex offense" means:

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

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

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

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

35 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
36 criminal attempt, criminal solicitation, or criminal conspiracy to  
37 commit an offense that is classified as a sex offense under RCW  
38 9.94A.030 or this subsection.

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

11 (c) "Employed" or "carries on a vocation" means employment that is  
12 full-time or part-time for a period of time exceeding fourteen days, or  
13 for an aggregate period of time exceeding thirty days during any  
14 calendar year. A person is employed or carries on a vocation whether  
15 the person's employment is financially compensated, volunteered, or for  
16 the purpose of government or educational benefit.

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

21 (10)(a) A person who knowingly fails to register or verify  
22 information with the county sheriff or notify the county sheriff, or  
23 who changes his or her name without notifying the county sheriff and  
24 the state patrol, as required by this section is guilty of a class  
25 ((E)) B felony if the crime for which the individual was convicted was  
26 a felony sex offense as defined in subsection (9)(a) of this section or  
27 a federal or out-of-state conviction for an offense that under the laws  
28 of this state would be a felony sex offense as defined in subsection  
29 (9)(a) of this section.

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

34 (11)(a) A person who knowingly fails to register or verify  
35 information or who moves within the state without notifying the county  
36 sheriff as required by this section is guilty of a class ((E)) B felony  
37 if the crime for which the individual was convicted was a felony  
38 kidnapping offense as defined in subsection (9)(b) of this section or

1 a federal or out-of-state conviction for an offense that under the laws  
2 of this state would be a felony kidnapping offense as defined in  
3 subsection (9)(b) of this section.

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

8 (12) Except as may otherwise be provided by law, nothing in this  
9 section shall impose any liability upon a peace officer, including a  
10 county sheriff, or law enforcement agency, for failing to release  
11 information authorized under this section.

12 NEW SECTION. Sec. 8. A new section is added to chapter 9A.76 RCW  
13 to read as follows:

14 (1) A person is guilty of rendering assistance to a sex offender if  
15 the person knows that a sex offender required to register under RCW  
16 9A.44.130 is not complying, or has not complied, with the requirements  
17 of RCW 9A.44.130 and, with the intent to assist the sex offender  
18 required to register in eluding a law enforcement agency that is  
19 seeking to find the sex offender to question the person about, or to  
20 arrest the person for, his or her noncompliance with the requirements  
21 of RCW 9A.44.130, the person:

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

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

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

30 (d) Provides information to the law enforcement agency regarding  
31 the sex offender which the person knows to be false information,  
32 commits a felony of the third degree. This subsection (1)(d) does not  
33 apply if the sex offender is incarcerated in or is in the custody of a  
34 state correctional facility, a local jail, or a federal correctional  
35 facility.

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

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

3       As used in RCW 9A.76.070, 9A.76.080, and 9A.76.090, a person  
4 "renders criminal assistance" if, under circumstances not amounting to  
5 a violation of section 8 of this act, with intent to prevent, hinder,  
6 or delay the apprehension or prosecution of another person who he or  
7 she knows has committed a crime or juvenile offense or is being sought  
8 by law enforcement officials for the commission of a crime or juvenile  
9 offense or has escaped from a detention facility, he or she:

10       (1) Harbors or conceals such person; or

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

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

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

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

19       (6) Provides such person with a weapon.

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

22       NEW SECTION. **Sec. 11.** This act takes effect September 1, 2006."

**HB 3277** - S AMD  
By Senator Benton

**PULLED 03/01/2006**

23       On page 2, line 2 of the title, after "9.94A.515;" strike the  
24 remainder of the title and insert "amending RCW 10.95.020, 9.94A.540,  
25 9.94A.720, 9A.44.130, and 9A.76.050; reenacting and amending RCW  
26 9.94A.515 and 9.95.204; adding a new section to chapter 9A.76 RCW;  
27 creating new sections; prescribing penalties; and providing an

EFFECT: Makes the following changes:

(1) A sexually violent predator who murders his or her victim is eligible for the death penalty;

(2) A sex offender convicted of the crime of rape of a child in the first degree or child molestation in the first degree must be sentenced to a minimum term of 25 years and is subject to lifetime supervision with electronic monitoring for any period of partial confinement;

(3) The seriousness level for the crimes of child molestation in the first degree and rape of a child in the first degree is increased to level XV;

(4) All sex offenders sentenced to terms involving community supervision, community placement, or community custody, before, on, or after the effective date of this act are subject to electronic monitoring for the remainder of the offender's term;

(5) Sex offenders subject to electronic monitoring are responsible for the costs of any electronic monitoring device or system, including daily equipment costs and fees;

(6) The Department of Corrections must determine whether a probationer is listed in the central registry of sex and kidnapping offenders;

(7) An offender required to register as a sex offender shall, twice a year, verify that all registration information is accurate;

(8) An offender who fails to register or verify the accuracy of registration information is guilty of a class B felony if the crime for which the offender was convicted was a felony sex offense. If the crime for which the offender was convicted was other than a felony, failure to register or verify the accuracy of registration information is a class C felony;

(9) A person is guilty of rendering assistance to a sex offender if he or she knows an offender is required to register and has not done so and, with the intent to assist the sex offender in eluding a law enforcement agency that is seeking to find the sex offender to question him or her, or to arrest the person for his or her noncompliance with the registration requirements: (a) Withholds information from, or does not notify a law enforcement agency about the sex offender's noncompliance with the registration requirements and, if known, the whereabouts of the sex offender; (b) harbors or attempts to harbor, or assists another person in harboring or attempting to harbor the sex offender; (c) hides or attempts to hide, or assists another person in hiding or attempting to hide the sex offender; or (d) provides information to a law enforcement agency regarding the sex offender that the person knows to be false;

(10) Includes an effective date of September 1, 2006.

--- END ---