

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2409

59th Legislature
2006 Regular Session

Passed by the House March 8, 2006
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 7, 2006
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2409** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2409

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells and Ormsby

Prefiled 1/3/2006. Read first time 01/09/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to regulating the conduct of registered sex
2 offenders and kidnapping offenders; amending RCW 9A.44.130, 9A.44.---,
3 9A.44.---, and 9A.44.---; amending 2006 c ... s 1 (uncodified);
4 reenacting and amending RCW 9A.44.130; creating a new section;
5 repealing 2006 c ... s 5; providing an effective date; providing an
6 expiration date; and declaring an emergency.

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

8 **Sec. 1.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are
9 each reenacted and amended to read as follows:

10 (1) Any adult or juvenile residing whether or not the person has a
11 fixed residence, or who is a student, is employed, or carries on a
12 vocation in this state who has been found to have committed or has been
13 convicted of any sex offense or kidnapping offense, or who has been
14 found not guilty by reason of insanity under chapter 10.77 RCW of
15 committing any sex offense or kidnapping offense, shall register with
16 the county sheriff for the county of the person's residence, or if the
17 person is not a resident of Washington, the county of the person's
18 school, or place of employment or vocation, or as otherwise specified
19 in this section. Where a person required to register under this

1 section is in custody of the state department of corrections, the state
2 department of social and health services, a local division of youth
3 services, or a local jail or juvenile detention facility as a result of
4 a sex offense or kidnapping offense, the person shall also register at
5 the time of release from custody with an official designated by the
6 agency that has jurisdiction over the person. In addition, any such
7 adult or juvenile: (a) Who is admitted to a public or private
8 institution of higher education shall, within ten days of enrolling or
9 by the first business day after arriving at the institution, whichever
10 is earlier, notify the sheriff for the county of the person's residence
11 of the person's intent to attend the institution; (b) who gains
12 employment at a public or private institution of higher education
13 shall, within ten days of accepting employment or by the first business
14 day after commencing work at the institution, whichever is earlier,
15 notify the sheriff for the county of the person's residence of the
16 person's employment by the institution; or (c) whose enrollment or
17 employment at a public or private institution of higher education is
18 terminated shall, within ten days of such termination, notify the
19 sheriff for the county of the person's residence of the person's
20 termination of enrollment or employment at the institution. Persons
21 required to register under this section who are enrolled in a public or
22 private institution of higher education on June 11, 1998, must notify
23 the county sheriff immediately. The sheriff shall notify the
24 institution's department of public safety and shall provide that
25 department with the same information provided to a county sheriff under
26 subsection (3) of this section.

27 (2) This section may not be construed to confer any powers pursuant
28 to RCW ((~~4.24.500~~)) 4.24.550 upon the public safety department of any
29 public or private institution of higher education.

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

35 (b) Any person who lacks a fixed residence shall provide the
36 following information when registering: (i) Name; (ii) date and place
37 of birth; (iii) place of employment; (iv) crime for which convicted;

1 (v) date and place of conviction; (vi) aliases used; (vii) social
2 security number; (viii) photograph; (ix) fingerprints; and (x) where he
3 or she plans to stay.

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

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

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

1 Failure to provide such assistance shall not constitute a defense for
2 any violation of this section.

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

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

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

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

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

1 agency that has jurisdiction over the offender shall notify the
2 offender of the registration requirements before the offender moves to
3 Washington.

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

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

36 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
37 SUPERVISION. Offenders who lack a fixed residence and who are under

1 the supervision of the department shall register in the county of their
2 supervision.

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

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

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

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

35 (5)(a) If any person required to register pursuant to this section
36 changes his or her residence address within the same county, the person
37 must send signed written notice of the change of address to the county
38 sheriff within seventy-two hours of moving. If any person required to

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

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

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

34 (b) A person who lacks a fixed residence must report weekly, in
35 person, to the sheriff of the county where he or she is registered.
36 The weekly report shall be on a day specified by the county sheriff's
37 office, and shall occur during normal business hours. The county
38 sheriff's office may require the person to list the locations where the

1 person has stayed during the last seven days. The lack of a fixed
2 residence is a factor that may be considered in determining an
3 offender's risk level and shall make the offender subject to disclosure
4 of information to the public at large pursuant to RCW 4.24.550.

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

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

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

32 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
33 70.48.470, and 72.09.330:

34 (a) "Sex offense" means:

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

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

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

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

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

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

20 (c) "Employed" or "carries on a vocation" means employment that is
21 full-time or part-time for a period of time exceeding fourteen days, or
22 for an aggregate period of time exceeding thirty days during any
23 calendar year. A person is employed or carries on a vocation whether
24 the person's employment is financially compensated, volunteered, or for
25 the purpose of government or educational benefit.

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

30 (10)(a) A person who knowingly fails to (~~register with the county~~
31 ~~sheriff or notify the county sheriff, or who changes his or her name~~
32 ~~without notifying the county sheriff and the state patrol, as required~~
33 ~~by~~) comply with any of the requirements of this section is guilty of
34 a class C felony if the crime for which the individual was convicted
35 was a felony sex offense as defined in subsection (9)(a) of this
36 section or a federal or out-of-state conviction for an offense that
37 under the laws of this state would be a felony sex offense as defined
38 in subsection (9)(a) of this section.

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

5 (11)(a) A person who knowingly fails to (~~register or who moves~~
6 ~~within the state without notifying the county sheriff as required by~~)
7 comply with any of the requirements of this section is guilty of a
8 class C felony if the crime for which the individual was convicted was
9 a felony kidnapping offense as defined in subsection (9)(b) of this
10 section or a federal or out-of-state conviction for an offense that
11 under the laws of this state would be a felony kidnapping offense as
12 defined in subsection (9)(b) of this section.

13 (b) If the crime for which the individual was convicted was other
14 than a felony or a federal or out-of-state conviction for an offense
15 that under the laws of this state would be other than a felony,
16 violation of this section is a gross misdemeanor.

17 **Sec. 2.** RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read
18 as follows:

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

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

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

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

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

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

22 (c) Persons required to register under this section who are
23 enrolled in a public or private institution of higher education on June
24 11, 1998, or a public or private school regulated under Title 28A RCW
25 or chapter 72.40 RCW on September 1, 2006, must notify the county
26 sheriff immediately.

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

31 (e)(i) A principal receiving notice under this subsection must
32 disclose the information received from the sheriff under (b) of this
33 subsection as follows:

34 (A) If the student who is required to register as a sex offender is
35 classified as a risk level II or III, the principal shall provide the
36 information received to every teacher of any student required to
37 register under (a) of this subsection and to any other personnel who,

1 in the judgment of the principal, supervises the student or for
2 security purposes should be aware of the student's record;

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

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

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

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

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

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

31 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
32 offense on, before, or after February 28, 1990, and who, on or after
33 July 28, 1991, are in custody, as a result of that offense, of the
34 state department of corrections, the state department of social and
35 health services, a local division of youth services, or a local jail or
36 juvenile detention facility, and (B) kidnapping offenders who on or
37 after July 27, 1997, are in custody of the state department of
38 corrections, the state department of social and health services, a

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

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

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

1 July 27, 1997. A change in supervision status of a sex offender who
2 was required to register under this subsection (4)(a)(ii) as of July
3 28, 1991, or a kidnapping offender required to register as of July 27,
4 1997, shall not relieve the offender of the duty to register or to
5 reregister following a change in residence. The obligation to register
6 shall only cease pursuant to RCW 9A.44.140.

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

34 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
35 who are convicted of a sex offense on or after July 28, 1991, for a sex
36 offense that was committed on or after February 28, 1990, and
37 kidnapping offenders who are convicted on or after July 27, 1997, for
38 a kidnapping offense that was committed on or after July 27, 1997, but

1 who are not sentenced to serve a term of confinement immediately upon
2 sentencing, shall report to the county sheriff to register immediately
3 upon completion of being sentenced.

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

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

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

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

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

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

35 (b) Failure to register within the time required under this section
36 constitutes a per se violation of this section and is punishable as
37 provided in subsection (10) of this section. The county sheriff shall

1 not be required to determine whether the person is living within the
2 county.

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

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

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

37 (b) It is an affirmative defense to a charge that the person failed
38 to send a notice at least fourteen days in advance of moving as

1 required under (a) of this subsection that the person did not know the
2 location of his or her new residence at least fourteen days before
3 moving. The defendant must establish the defense by a preponderance of
4 the evidence and, to prevail on the defense, must also prove by a
5 preponderance that the defendant sent the required notice within
6 twenty-four hours of determining the new address.

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

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

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

36 (7) A sex offender subject to registration requirements under this
37 section who applies to change his or her name under RCW 4.24.130 or any
38 other law shall submit a copy of the application to the county sheriff

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

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

16 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
17 70.48.470, and 72.09.330:

18 (a) "Sex offense" means:

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

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

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

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

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

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

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

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

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

14 (10)(a) A person who knowingly fails to (~~register with the county~~
15 ~~sheriff or notify the county sheriff, or who changes his or her name~~
16 ~~without notifying the county sheriff and the state patrol, as required~~
17 ~~by~~) comply with any of the requirements of this section is guilty of
18 a class C felony if the crime for which the individual was convicted
19 was a felony sex offense as defined in subsection (9)(a) of this
20 section or a federal or out-of-state conviction for an offense that
21 under the laws of this state would be a felony sex offense as defined
22 in subsection (9)(a) of this section.

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

27 (11)(a) A person who knowingly fails to (~~register or who moves~~
28 ~~within the state without notifying the county sheriff as required by~~)
29 comply with any of the requirements of this section is guilty of a
30 class C felony if the crime for which the individual was convicted was
31 a felony kidnapping offense as defined in subsection (9)(b) of this
32 section or a federal or out-of-state conviction for an offense that
33 under the laws of this state would be a felony kidnapping offense as
34 defined in subsection (9)(b) of this section.

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

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

5 **Sec. 3.** 2006 c ... (SSB 6775) s 1 (uncodified) is amended to read
6 as follows:

7 It is the intent of the legislature to give public and private
8 entities that provide services to children the tools necessary to
9 prevent convicted child sex offenders from contacting children when
10 those children are within the legal (~~boundaries~~) premises of the
11 covered public and private entities.

12 **Sec. 4.** RCW 9A.44.--- and 2006 c ... (SSB 6775) s 2 are each
13 amended to read as follows:

14 As used in this section and RCW 9A.44.--- and 9A.44.--- (sections
15 3 and 4, chapter ... (SSB 6775), Laws of 2006):

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

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

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

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

28 (5) "Covered offender" means a person required to register under
29 RCW 9A.44.130 who is eighteen years of age or older, who is not under
30 the jurisdiction of the juvenile rehabilitation authority or currently
31 serving a special sex offender disposition alternative, whose risk
32 level classification has been assessed at a risk level II or a risk
33 level III pursuant to RCW 72.09.345, and who, at any time, has been
34 convicted of one or more of the following offenses:

35 (a) Rape of a child in the first, second, and third degree; child
36 molestation in the first, second, and third degree; indecent liberties

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

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

13 (c) Any felony offense for which:

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

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

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

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

22 **Sec. 5.** RCW 9A.44.--- and 2006 c ... (SSB 6775) s 3 are each
23 amended to read as follows:

24 (1) An owner, (~~employee, or agent~~) manager, or operator of a
25 covered entity may order a covered offender from the legal premises of
26 a covered entity as provided under this section. To do this, the
27 owner, (~~employee, or agent~~) manager, or operator of a covered entity
28 must first (~~personally serve on~~) provide the covered offender, or
29 cause the covered offender to be provided, personal service of
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
35 (~~boundaries~~) premises of the covered entity, or thereafter returns
36 and enters within the legal (~~boundaries~~) premises of the covered

1 entity without written permission, the offender may be charged and
2 prosecuted for a felony offense as provided in RCW 9A.44.--- (section
3 4, chapter ... (SSB 6775), Laws of 2006).

4 (2) A covered entity may give written permission of entry and use
5 to a covered offender to enter and remain on the legal premises of the
6 covered entity at particular times and for lawful purposes, including,
7 but not limited to, conducting business, voting, or participating in
8 educational or recreational activities. Any written permission of
9 entry and use of the legal premises of a covered entity must be clearly
10 stated in a written document and must be personally served on the
11 covered offender. If the covered offender violates the conditions of
12 entry and use contained in a written document personally served on the
13 offender by the covered entity, the covered offender may be charged and
14 prosecuted for a felony offense as provided in RCW 9A.44.--- (section
15 4, chapter ... (SSB 6775), Laws of 2006).

16 (3) An owner, employee, or agent of a covered entity shall be
17 immune from civil liability for damages arising from (~~ejecting a~~
18 ~~covered offender from a covered entity or from failing to eject a~~
19 ~~covered offender from a covered entity~~) excluding or failing to
20 exclude a covered offender from a covered entity or from imposing or
21 failing to impose conditions of entry and use on a covered offender.

22 (4) A person provided with written notice from a covered entity
23 under this section may file a petition with the district court alleging
24 that he or she does not meet the definition of "covered offender" in
25 RCW 9A.44.--- (section 2, chapter ... (SSB 6775), Laws of 2006). The
26 district court must conduct a hearing on the petition within thirty
27 days of the petition being filed. In the hearing on the petition, the
28 person has the burden of proving that he or she is not a covered
29 offender. If the court finds, by a preponderance of the evidence, that
30 the person is not a covered offender, the court shall order the covered
31 entity to rescind the written notice and shall order the covered entity
32 to pay the person's costs and reasonable attorneys' fees.

33 **Sec. 6.** RCW 9A.44.--- and 2006 c ... (SSB 6775) s 4 are each
34 amended to read as follows:

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

1 (a) Is a covered offender as defined in RCW 9A.44.--- (section 2,
2 chapter ... (SSB 6775), Laws of 2006); and

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

6 ~~(c) Remains upon or reenters the legal boundaries of the covered~~
7 ~~entity without the written permission of the covered entity)) (i) Is~~
8 personally served with written notice complying with the requirements
9 of RCW 9A.44.--- (section 3, chapter ... (SSB 6775), Laws of 2006) that
10 excludes the covered offender from the legal premises of the covered
11 entity and remains upon or reenters the legal premises of the covered
12 entity; or

13 (ii) Is personally served with written notice complying with the
14 requirements of RCW 9A.44.--- (section 3, chapter ... (SSB 6775), Laws
15 of 2006) that imposes conditions of entry and use on the covered
16 offender and violates the conditions of entry and use.

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

18 NEW SECTION. Sec. 7. 2006 c ... (SSB 6775) s 5 is hereby
19 repealed.

20 NEW SECTION. Sec. 8. Section 1 of this act expires September 1,
21 2006.

22 NEW SECTION. Sec. 9. Sections 1 and 3 through 7 of this act are
23 necessary for the immediate preservation of the public peace, health,
24 or safety, or support of the state government and its existing public
25 institutions, and take effect immediately.

26 NEW SECTION. Sec. 10. Section 2 of this act takes effect
27 September 1, 2006.

28 NEW SECTION. Sec. 11. Section 3 of this act is null and void if
29 section 1 of Substitute Senate Bill No. 6775 is not enacted into law.

30 Section 4 of this act is null and void if section 2 of Substitute
31 Senate Bill No. 6775 is not enacted into law.

32 Section 5 of this act is null and void if section 3 of Substitute
33 Senate Bill No. 6775 is not enacted into law.

1 Section 6 of this act is null and void if section 4 of Substitute
2 Senate Bill No. 6775 is not enacted into law.

3 Section 7 of this act is null and void if section 5 of Substitute
4 Senate Bill No. 6775 is not enacted into law.

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