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SENATE BILL 6172

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State of Washington                      59th Legislature                      2006 Regular Session

By Senators McAuliffe, Hargrove, Thibaudeau, Shin, Weinstein, Rockefeller, Keiser, Regala, Eide, Rasmussen and Benton

Read first time 01/09/2006. Referred to Committee on Human Services & Corrections.

1            AN ACT Relating to sex offenders; amending RCW 9A.44.130,  
2 9A.44.140, 9A.76.050, and 4.24.5501; reenacting and amending RCW  
3 9.68A.090, 9.94A.515, and 9A.44.130; adding new sections to chapter  
4 9A.44 RCW; adding new sections to chapter 9A.76 RCW; creating new  
5 sections; prescribing penalties; providing an effective date; and  
6 providing an expiration date.

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

8            **Sec. 1.** RCW 9.68A.090 and 2003 c 53 s 42 and 2003 c 26 s 1 are  
9 each reenacted and amended to read as follows:

10            (1) Except as provided in subsection (2) of this section, a person  
11 who communicates with a minor for immoral purposes, or a person who  
12 communicates with someone the person believes to be a minor for immoral  
13 purposes, is guilty of a gross misdemeanor.

14            (2) A person who communicates with a minor for immoral purposes is  
15 guilty of a class C felony punishable according to chapter 9A.20 RCW if  
16 the person has previously been convicted under this section or of a  
17 felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of  
18 any other felony sexual offense in this or any other state or if the

1 person communicates with a minor or with someone the person believes to  
2 be a minor for immoral purposes through the sending of an electronic  
3 communication.

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

6 TABLE 2

7 CRIMES INCLUDED WITHIN  
8 EACH SERIOUSNESS LEVEL

- 9 XVI Aggravated Murder 1 (RCW  
10 10.95.020)
- 11 XV Homicide by abuse (RCW 9A.32.055)  
12 Malicious explosion 1 (RCW  
13 70.74.280(1))  
14 Murder 1 (RCW 9A.32.030)
- 15 XIV Murder 2 (RCW 9A.32.050)  
16 Trafficking 1 (RCW 9A.40.100(1))
- 17 XIII Malicious explosion 2 (RCW  
18 70.74.280(2))  
19 Malicious placement of an explosive 1  
20 (RCW 70.74.270(1))
- 21 XII Assault 1 (RCW 9A.36.011)  
22 Assault of a Child 1 (RCW 9A.36.120)  
23 Malicious placement of an imitation  
24 device 1 (RCW 70.74.272(1)(a))  
25 Rape 1 (RCW 9A.44.040)  
26 Rape of a Child 1 (RCW 9A.44.073)  
27 Trafficking 2 (RCW 9A.40.100(2))
- 28 XI Manslaughter 1 (RCW 9A.32.060)  
29 Rape 2 (RCW 9A.44.050)  
30 Rape of a Child 2 (RCW 9A.44.076)
- 31 X Child Molestation 1 (RCW 9A.44.083)  
32 Indecent Liberties (with forcible  
33 compulsion) (RCW  
34 9A.44.100(1)(a))  
35 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW  
2 9A.82.060(1)(a))  
3 Malicious explosion 3 (RCW  
4 70.74.280(3))  
5 Sexually Violent Predator Escape  
6 (RCW 9A.76.115)  
7 IX Assault of a Child 2 (RCW 9A.36.130)  
8 Explosive devices prohibited (RCW  
9 70.74.180)  
10 Hit and Run--Death (RCW  
11 46.52.020(4)(a))  
12 Homicide by Watercraft, by being  
13 under the influence of intoxicating  
14 liquor or any drug (RCW  
15 79A.60.050)  
16 Inciting Criminal Profiteering (RCW  
17 9A.82.060(1)(b))  
18 Malicious placement of an explosive 2  
19 (RCW 70.74.270(2))  
20 Robbery 1 (RCW 9A.56.200)  
21 Sexual Exploitation (RCW 9.68A.040)  
22 Vehicular Homicide, by being under  
23 the influence of intoxicating liquor  
24 or any drug (RCW 46.61.520)  
25 VIII Arson 1 (RCW 9A.48.020)  
26 Homicide by Watercraft, by the  
27 operation of any vessel in a  
28 reckless manner (RCW  
29 79A.60.050)  
30 Manslaughter 2 (RCW 9A.32.070)  
31 Promoting Prostitution 1 (RCW  
32 9A.88.070)  
33 Theft of Ammonia (RCW 69.55.010)  
34 Vehicular Homicide, by the operation  
35 of any vehicle in a reckless  
36 manner (RCW 46.61.520)  
37 VII Burglary 1 (RCW 9A.52.020)

1 Child Molestation 2 (RCW 9A.44.086)  
2 Civil Disorder Training (RCW  
3 9A.48.120)  
4 Dealing in depictions of minor  
5 engaged in sexually explicit  
6 conduct (RCW 9.68A.050)  
7 Drive-by Shooting (RCW 9A.36.045)  
8 Homicide by Watercraft, by disregard  
9 for the safety of others (RCW  
10 79A.60.050)  
11 Indecent Liberties (without forcible  
12 compulsion) (RCW 9A.44.100(1)  
13 (b) and (c))  
14 Introducing Contraband 1 (RCW  
15 9A.76.140)  
16 Malicious placement of an explosive 3  
17 (RCW 70.74.270(3))  
18 Negligently Causing Death By Use of  
19 a Signal Preemption Device  
20 (RCW 46.37.675)  
21 Sending, bringing into state depictions  
22 of minor engaged in sexually  
23 explicit conduct (RCW  
24 9.68A.060)  
25 Unlawful Possession of a Firearm in  
26 the first degree (RCW  
27 9.41.040(1))  
28 Use of a Machine Gun in Commission  
29 of a Felony (RCW 9.41.225)  
30 Vehicular Homicide, by disregard for  
31 the safety of others (RCW  
32 46.61.520)  
33 VI Bail Jumping with Murder 1 (RCW  
34 9A.76.170(3)(a))  
35 Bribery (RCW 9A.68.010)  
36 Failure to Register (RCW  
37 9A.44.130(4)(c))

1 Incest 1 (RCW 9A.64.020(1))  
2 Intimidating a Judge (RCW  
3 9A.72.160)  
4 Intimidating a Juror/Witness (RCW  
5 9A.72.110, 9A.72.130)  
6 Malicious placement of an imitation  
7 device 2 (RCW 70.74.272(1)(b))  
8 Rape of a Child 3 (RCW 9A.44.079)  
9 Theft of a Firearm (RCW 9A.56.300)  
10 Unlawful Storage of Ammonia (RCW  
11 69.55.020)  
12 V Abandonment of dependent person 1  
13 (RCW 9A.42.060)  
14 Advancing money or property for  
15 extortionate extension of credit  
16 (RCW 9A.82.030)  
17 Bail Jumping with class A Felony  
18 (RCW 9A.76.170(3)(b))  
19 Child Molestation 3 (RCW 9A.44.089)  
20 Criminal Mistreatment 1 (RCW  
21 9A.42.020)  
22 Custodial Sexual Misconduct 1 (RCW  
23 9A.44.160)  
24 Domestic Violence Court Order  
25 Violation (RCW 10.99.040,  
26 10.99.050, 26.09.300, 26.10.220,  
27 26.26.138, 26.50.110, 26.52.070,  
28 or 74.34.145)  
29 Extortion 1 (RCW 9A.56.120)  
30 Extortionate Extension of Credit  
31 (RCW 9A.82.020)  
32 Extortionate Means to Collect  
33 Extensions of Credit (RCW  
34 9A.82.040)  
35 Incest 2 (RCW 9A.64.020(2))  
36 Kidnapping 2 (RCW 9A.40.030)  
37 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW  
2 9.94.070)  
3 Possession of a Stolen Firearm (RCW  
4 9A.56.310)  
5 Rape 3 (RCW 9A.44.060)  
6 Rendering Criminal Assistance 1  
7 (RCW 9A.76.070)  
8 Sexual Misconduct with a Minor 1  
9 (RCW 9A.44.093)  
10 Sexually Violating Human Remains  
11 (RCW 9A.44.105)  
12 Stalking (RCW 9A.46.110)  
13 Taking Motor Vehicle Without  
14 Permission 1 (RCW 9A.56.070)  
15 IV Arson 2 (RCW 9A.48.030)  
16 Assault 2 (RCW 9A.36.021)  
17 Assault 3 (of a Peace Officer with a  
18 Projectile Stun Gun) (RCW  
19 9A.36.031(1)(h))  
20 Assault by Watercraft (RCW  
21 79A.60.060)  
22 Bribing a Witness/Bribe Received by  
23 Witness (RCW 9A.72.090,  
24 9A.72.100)  
25 Cheating 1 (RCW 9.46.1961)  
26 Commercial Bribery (RCW  
27 9A.68.060)  
28 Counterfeiting (RCW 9.16.035(4))  
29 Endangerment with a Controlled  
30 Substance (RCW 9A.42.100)  
31 Escape 1 (RCW 9A.76.110)  
32 Hit and Run--Injury (RCW  
33 46.52.020(4)(b))  
34 Hit and Run with Vessel--Injury  
35 Accident (RCW 79A.60.200(3))  
36 Identity Theft 1 (RCW 9.35.020(2))

1 Indecent Exposure to Person Under  
2 Age Fourteen (subsequent sex  
3 offense) (RCW 9A.88.010)  
4 Influencing Outcome of Sporting  
5 Event (RCW 9A.82.070)  
6 Malicious Harassment (RCW  
7 9A.36.080)  
8 Residential Burglary (RCW  
9 9A.52.025)  
10 Robbery 2 (RCW 9A.56.210)  
11 Theft of Livestock 1 (RCW 9A.56.080)  
12 Threats to Bomb (RCW 9.61.160)  
13 Trafficking in Stolen Property 1 (RCW  
14 9A.82.050)  
15 Unlawful factoring of a credit card or  
16 payment card transaction (RCW  
17 9A.56.290(4)(b))  
18 Unlawful transaction of health  
19 coverage as a health care service  
20 contractor (RCW 48.44.016(3))  
21 Unlawful transaction of health  
22 coverage as a health maintenance  
23 organization (RCW 48.46.033(3))  
24 Unlawful transaction of insurance  
25 business (RCW 48.15.023(3))  
26 Unlicensed practice as an insurance  
27 professional (RCW 48.17.063(3))  
28 Use of Proceeds of Criminal  
29 Profiteering (RCW 9A.82.080 (1)  
30 and (2))  
31 Vehicular Assault, by being under the  
32 influence of intoxicating liquor or  
33 any drug, or by the operation or  
34 driving of a vehicle in a reckless  
35 manner (RCW 46.61.522)  
36 Willful Failure to Return from  
37 Furlough (RCW 72.66.060)

1 III Abandonment of dependent person 2  
2 (RCW 9A.42.070)  
3 Assault 3 (Except Assault 3 of a Peace  
4 Officer With a Projectile Stun  
5 Gun) (RCW 9A.36.031 except  
6 subsection (1)(h))  
7 Assault of a Child 3 (RCW 9A.36.140)  
8 Bail Jumping with class B or C Felony  
9 (RCW 9A.76.170(3)(c))  
10 Burglary 2 (RCW 9A.52.030)  
11 Communication with a Minor for  
12 Immoral Purposes (RCW  
13 9.68A.090)  
14 Criminal Gang Intimidation (RCW  
15 9A.46.120)  
16 Criminal Mistreatment 2 (RCW  
17 9A.42.030)  
18 Custodial Assault (RCW 9A.36.100)  
19 Cyberstalking (subsequent conviction  
20 or threat of death) (RCW  
21 9.61.260(3))  
22 Escape 2 (RCW 9A.76.120)  
23 Extortion 2 (RCW 9A.56.130)  
24 Harassment (RCW 9A.46.020)  
25 Intimidating a Public Servant (RCW  
26 9A.76.180)  
27 Introducing Contraband 2 (RCW  
28 9A.76.150)  
29 Malicious Injury to Railroad Property  
30 (RCW 81.60.070)  
31 Negligently Causing Substantial Bodily  
32 Harm By Use of a Signal  
33 Preemption Device (RCW  
34 46.37.674)  
35 Patronizing a Juvenile Prostitute  
36 (RCW 9.68A.100)  
37 Perjury 2 (RCW 9A.72.030)



1 Possession of Incendiary Device (RCW  
2 9.40.120)  
3 Possession of Machine Gun or Short-  
4 Barreled Shotgun or Rifle (RCW  
5 9.41.190)  
6 Promoting Prostitution 2 (RCW  
7 9A.88.080)  
8 Securities Act violation (RCW  
9 21.20.400)  
10 Tampering with a Witness (RCW  
11 9A.72.120)  
12 Telephone Harassment (subsequent  
13 conviction or threat of death)  
14 (RCW 9.61.230(2))  
15 Theft of Livestock 2 (RCW 9A.56.083)  
16 Trafficking in Stolen Property 2 (RCW  
17 9A.82.055)  
18 Unlawful Imprisonment (RCW  
19 9A.40.040)  
20 Unlawful possession of firearm in the  
21 second degree (RCW 9.41.040(2))  
22 Vehicular Assault, by the operation or  
23 driving of a vehicle with disregard  
24 for the safety of others (RCW  
25 46.61.522)  
26 Willful Failure to Return from Work  
27 Release (RCW 72.65.070)  
28 II Computer Trespass 1 (RCW  
29 9A.52.110)  
30 Counterfeiting (RCW 9.16.035(3))  
31 Escape from Community Custody  
32 (RCW 72.09.310)  
33 Health Care False Claims (RCW  
34 48.80.030)  
35 Identity Theft 2 (RCW 9.35.020(3))  
36 Improperly Obtaining Financial  
37 Information (RCW 9.35.010)

1 Malicious Mischief 1 (RCW  
2 9A.48.070)  
3 Possession of Stolen Property 1 (RCW  
4 9A.56.150)  
5 Theft 1 (RCW 9A.56.030)  
6 Theft of Rental, Leased, or Lease-  
7 purchased Property (valued at one  
8 thousand five hundred dollars or  
9 more) (RCW 9A.56.096(5)(a))  
10 Trafficking in Insurance Claims (RCW  
11 48.30A.015)  
12 Unlawful factoring of a credit card or  
13 payment card transaction (RCW  
14 9A.56.290(4)(a))  
15 Unlawful Practice of Law (RCW  
16 2.48.180)  
17 Unlicensed Practice of a Profession or  
18 Business (RCW 18.130.190(7))  
19 I Attempting to Elude a Pursuing Police  
20 Vehicle (RCW 46.61.024)  
21 False Verification for Welfare (RCW  
22 74.08.055)  
23 Forgery (RCW 9A.60.020)  
24 Fraudulent Creation or Revocation of a  
25 Mental Health Advance Directive  
26 (RCW 9A.60.060)  
27 Malicious Mischief 2 (RCW  
28 9A.48.080)  
29 Mineral Trespass (RCW 78.44.330)  
30 Possession of Stolen Property 2 (RCW  
31 9A.56.160)  
32 Reckless Burning 1 (RCW 9A.48.040)  
33 Taking Motor Vehicle Without  
34 Permission 2 (RCW 9A.56.075)  
35 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at two  
3 hundred fifty dollars or more but  
4 less than one thousand five  
5 hundred dollars) (RCW  
6 9A.56.096(5)(b))  
7 Transaction of insurance business  
8 beyond the scope of licensure  
9 (RCW 48.17.063(4))  
10 Unlawful Issuance of Checks or Drafts  
11 (RCW 9A.56.060)  
12 Unlawful Possession of Fictitious  
13 Identification (RCW 9A.56.320)  
14 Unlawful Possession of Instruments of  
15 Financial Fraud (RCW  
16 9A.56.320)  
17 Unlawful Possession of Payment  
18 Instruments (RCW 9A.56.320)  
19 Unlawful Possession of a Personal  
20 Identification Device (RCW  
21 9A.56.320)  
22 Unlawful Production of Payment  
23 Instruments (RCW 9A.56.320)  
24 Unlawful Trafficking in Food Stamps  
25 (RCW 9.91.142)  
26 Unlawful Use of Food Stamps (RCW  
27 9.91.144)  
28 Vehicle Prowl 1 (RCW 9A.52.095)

29 **Sec. 3.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are  
30 each reenacted and amended to read as follows:

31 (1) Any adult or juvenile residing whether or not the person has a  
32 fixed residence, or who is a student, is employed, or carries on a  
33 vocation in this state who has been found to have committed or has been  
34 convicted of any sex offense or kidnapping offense or sexual  
35 exploitation of a child under chapter 9.68A RCW, or who has been found  
36 not guilty by reason of insanity under chapter 10.77 RCW of committing  
37 any sex offense or kidnapping offense, shall register with the county

1 sheriff for the county of the person's residence, or if the person is  
2 not a resident of Washington, the county of the person's school, or  
3 place of employment or vocation, or as otherwise specified in this  
4 section. Where a person required to register under this section is in  
5 custody of the state department of corrections, the state department of  
6 social and health services, a local division of youth services, or a  
7 local jail or juvenile detention facility as a result of a sex offense  
8 or kidnapping offense or sexual exploitation of a child under chapter  
9 9.68A RCW, the person shall also register at the time of release from  
10 custody with an official designated by the agency that has jurisdiction  
11 over the person. In addition, any such adult or juvenile: (a) Who is  
12 admitted to a public or private institution of higher education shall,  
13 within ten days of enrolling or by the first business day after  
14 arriving at the institution, whichever is earlier, notify the sheriff  
15 for the county of the person's residence of the person's intent to  
16 attend the institution; (b) who gains employment at a public or private  
17 institution of higher education shall, within ten days of accepting  
18 employment or by the first business day after commencing work at the  
19 institution, whichever is earlier, notify the sheriff for the county of  
20 the person's residence of the person's employment by the institution;  
21 or (c) whose enrollment or employment at a public or private  
22 institution of higher education is terminated shall, within ten days of  
23 such termination, notify the sheriff for the county of the person's  
24 residence of the person's termination of enrollment or employment at  
25 the institution. Persons required to register under this section who  
26 are enrolled in a public or private institution of higher education on  
27 June 11, 1998, must notify the county sheriff immediately. The sheriff  
28 shall notify the institution's department of public safety and shall  
29 provide that department with the same information provided to a county  
30 sheriff under subsection (3) of this section.

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

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

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

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

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

33 When the agency with jurisdiction intends to release an offender  
34 with a duty to register under this section, and the agency has  
35 knowledge that the offender is eligible for developmental disability  
36 services from the department of social and health services, the agency  
37 shall notify the division of developmental disabilities of the release.  
38 Notice shall occur not more than thirty days before the offender is to

1 be released. The agency and the division shall assist the offender in  
2 meeting the initial registration requirement under this section.  
3 Failure to provide such assistance shall not constitute a defense for  
4 any violation of this section.

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

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

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

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

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

1 country who, when they move to Washington, are under the jurisdiction  
2 of the department of corrections, the indeterminate sentence review  
3 board, or the department of social and health services must register  
4 within twenty-four hours of moving to Washington. The agency that has  
5 jurisdiction over the offender shall notify the offender of the  
6 registration requirements before the offender moves to Washington.

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

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



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

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

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

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

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

37 (5)(a) If any person required to register pursuant to this section  
38 changes his or her residence address within the same county, the person

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

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

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

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

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

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

15 (7) A sex offender subject to registration requirements under this  
16 section must report twice per year to the sheriff of the county of the  
17 person's residence, or if the person does not have a fixed residence,  
18 to the sheriff of the county where he or she last registered.

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

35 ((+8)) (9) The county sheriff shall obtain a photograph of the  
36 individual and shall obtain a copy of the individual's fingerprints.

37 ((+9)) (10) For the purpose of RCW 9A.44.130, 10.01.200,  
38 43.43.540, 70.48.470, and 72.09.330:

1 (a) "Sex offense" means:  
2 (i) Any offense defined as a sex offense by RCW 9.94A.030;  
3 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a  
4 minor in the second degree);  
5 (iii) Any violation under RCW 9.68A.090 (communication with a minor  
6 for immoral purposes);  
7 (iv) Any federal or out-of-state conviction for an offense that  
8 under the laws of this state would be classified as a sex offense under  
9 this subsection; and  
10 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
11 criminal attempt, criminal solicitation, or criminal conspiracy to  
12 commit an offense that is classified as a sex offense under RCW  
13 9.94A.030 or this subsection.  
14 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
15 the first degree, kidnapping in the second degree, and unlawful  
16 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
17 minor and the offender is not the minor's parent; (ii) any offense that  
18 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
19 or criminal conspiracy to commit an offense that is classified as a  
20 kidnapping offense under this subsection (~~((+9))~~) (10)(b); and (iii) any  
21 federal or out-of-state conviction for an offense that under the laws  
22 of this state would be classified as a kidnapping offense under this  
23 subsection (~~((+9))~~) (10)(b).  
24 (c) "Employed" or "carries on a vocation" means employment that is  
25 full-time or part-time for a period of time exceeding fourteen days, or  
26 for an aggregate period of time exceeding thirty days during any  
27 calendar year. A person is employed or carries on a vocation whether  
28 the person's employment is financially compensated, volunteered, or for  
29 the purpose of government or educational benefit.  
30 (d) "Student" means a person who is enrolled, on a full-time or  
31 part-time basis, in any public or private educational institution. An  
32 educational institution includes any secondary school, trade or  
33 professional institution, or institution of higher education.  
34 (~~((+10))~~) (11)(a) A person who knowingly fails to register with the  
35 county sheriff or notify the county sheriff, or who changes his or her  
36 name without notifying the county sheriff and the state patrol, as  
37 required by this section is guilty of a class C felony if the crime for  
38 which the individual was convicted was a felony sex offense as defined

1 in subsection (~~(9)~~) (10)(a) of this section or a federal or out-of-  
2 state conviction for an offense that under the laws of this state would  
3 be a felony sex offense as defined in subsection (~~(9)~~) (10)(a) of  
4 this section.

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

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

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

21 **Sec. 4.** RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read  
22 as follows:

23 (1)(a) Any adult or juvenile residing whether or not the person has  
24 a fixed residence, or who is a student, is employed, or carries on a  
25 vocation in this state who has been found to have committed or has been  
26 convicted of any sex offense or kidnapping offense or sexual  
27 exploitation of a child under chapter 9.68A RCW, or who has been found  
28 not guilty by reason of insanity under chapter 10.77 RCW of committing  
29 any sex offense or kidnapping offense, shall register with the county  
30 sheriff for the county of the person's residence, or if the person is  
31 not a resident of Washington, the county of the person's school, or  
32 place of employment or vocation, or as otherwise specified in this  
33 section. Where a person required to register under this section is in  
34 custody of the state department of corrections, the state department of  
35 social and health services, a local division of youth services, or a  
36 local jail or juvenile detention facility as a result of a sex offense  
37 or kidnapping offense or sexual exploitation of a child under chapter

1 9.68A RCW, the person shall also register at the time of release from  
2 custody with an official designated by the agency that has jurisdiction  
3 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 (4)(a) Offenders shall register with the county sheriff within the  
32 following deadlines. For purposes of this section the term  
33 "conviction" refers to adult convictions and juvenile adjudications for  
34 sex offenses or kidnapping offenses:

35 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
36 offense on, before, or after February 28, 1990, and who, on or after  
37 July 28, 1991, are in custody, as a result of that offense, of the  
38 state department of corrections, the state department of social and

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

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

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



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

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

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

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

32 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
33 or juvenile who has been found not guilty by reason of insanity under  
34 chapter 10.77 RCW of (A) committing a sex offense on, before, or after  
35 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
36 as a result of that finding, of the state department of social and  
37 health services, or (B) committing a kidnapping offense on, before, or  
38 after July 27, 1997, and who on or after July 27, 1997, is in custody,

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

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

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

30 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
31 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
32 who move to another state, or who work, carry on a vocation, or attend  
33 school in another state shall register a new address, fingerprints, and  
34 photograph with the new state within ten days after establishing  
35 residence, or after beginning to work, carry on a vocation, or attend  
36 school in the new state. The person must also send written notice  
37 within ten days of moving to the new state or to a foreign country to

1 the county sheriff with whom the person last registered in Washington  
2 state. The county sheriff shall promptly forward this information to  
3 the Washington state patrol.

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

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

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

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

1 the county sheriff shall promptly forward the information regarding the  
2 change of address to the agency designated by the new state as the  
3 state's offender registration agency.

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

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

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

32 (c) If any person required to register pursuant to this section  
33 does not have a fixed residence, it is an affirmative defense to the  
34 charge of failure to register, that he or she provided written notice  
35 to the sheriff of the county where he or she last registered within  
36 forty-eight hours excluding weekends and holidays after ceasing to have  
37 a fixed residence and has subsequently complied with the requirements

1 of subsections (4)(a)(vii) or (viii) and (6) of this section. To  
2 prevail, the person must prove the defense by a preponderance of the  
3 evidence.

4 (7) A sex offender subject to registration requirements under this  
5 section must report twice each year to the sheriff of the county of the  
6 person's residence, or if the person does not have a fixed residence,  
7 to the sheriff of the county where he or she last registered.

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

24 ~~((8))~~ (9) The county sheriff shall obtain a photograph of the  
25 individual and shall obtain a copy of the individual's fingerprints.

26 ~~((9))~~ (10) For the purpose of RCW 9A.44.130, 10.01.200,  
27 43.43.540, 70.48.470, and 72.09.330:

- 28 (a) "Sex offense" means:
- 29 (i) Any offense defined as a sex offense by RCW 9.94A.030;
  - 30 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a  
31 minor in the second degree);
  - 32 (iii) Any violation under RCW 9.68A.090 (communication with a minor  
33 for immoral purposes);
  - 34 (iv) Any federal or out-of-state conviction for an offense that  
35 under the laws of this state would be classified as a sex offense under  
36 this subsection; and
  - 37 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a

1 criminal attempt, criminal solicitation, or criminal conspiracy to  
2 commit an offense that is classified as a sex offense under RCW  
3 9.94A.030 or this subsection.

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

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

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

24 (~~((+10))~~) (11)(a) A person who knowingly fails to register with the  
25 county sheriff or notify the county sheriff, or who changes his or her  
26 name without notifying the county sheriff and the state patrol, as  
27 required by this section is guilty of a class C felony if the crime for  
28 which the individual was convicted was a felony sex offense as defined  
29 in subsection (~~((+9))~~) (10)(a) of this section or a federal or out-of-  
30 state conviction for an offense that under the laws of this state would  
31 be a felony sex offense as defined in subsection (~~((+9))~~) (10)(a) of  
32 this section.

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

37 (~~((+11))~~) (12)(a) A person who knowingly fails to register or who  
38 moves within the state without notifying the county sheriff as required

1 by this section is guilty of a class C felony if the crime for which  
2 the individual was convicted was a felony kidnapping offense as defined  
3 in subsection ~~((+9+))~~ (10)(b) of this section or a federal or out-of-  
4 state conviction for an offense that under the laws of this state would  
5 be a felony kidnapping offense as defined in subsection ~~((+9+))~~ (10)(b)  
6 of this section.

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

11 ~~((+12+))~~ (13) Except as may otherwise be provided by law, nothing  
12 in this section shall impose any liability upon a peace officer,  
13 including a county sheriff, or law enforcement agency, for failing to  
14 release information authorized under this section.

15 **Sec. 5.** RCW 9A.44.140 and 2002 c 25 s 1 are each amended to read  
16 as follows:

17 (1) The ~~((duty))~~ duties to register and report under RCW 9A.44.130  
18 shall end:

19 (a) For a person convicted of a class A felony or an offense listed  
20 in subsection (5) of this section, or a person convicted of any sex  
21 offense or kidnapping offense who has one or more prior convictions for  
22 a sex offense or kidnapping offense: Such person may only be relieved  
23 of the ~~((duty))~~ duties to register and report under subsection (3) or  
24 (4) of this section.

25 (b) For a person convicted of a class B felony, and the person does  
26 not have one or more prior convictions for a sex offense or kidnapping  
27 offense and the person's current offense is not listed in subsection  
28 (5) of this section: Fifteen years after the last date of release from  
29 confinement, if any, (including full-time residential treatment)  
30 pursuant to the conviction, or entry of the judgment and sentence, if  
31 the person has spent fifteen consecutive years in the community without  
32 being convicted of any new offenses.

33 (c) For a person convicted of a class C felony, a violation of RCW  
34 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to  
35 commit a class C felony, and the person does not have one or more prior  
36 convictions for a sex offense or kidnapping offense and the person's  
37 current offense is not listed in subsection (5) of this section: Ten



1 years after the last date of release from confinement, if any,  
2 (including full-time residential treatment) pursuant to the conviction,  
3 or entry of the judgment and sentence, if the person has spent ten  
4 consecutive years in the community without being convicted of any new  
5 offenses.

6 (2) The provisions of subsection (1) of this section shall apply  
7 equally to a person who has been found not guilty by reason of insanity  
8 under chapter 10.77 RCW of a sex offense or kidnapping offense.

9 (3)(a) Except as provided in (b) of this subsection, any person  
10 having a duty to register under RCW 9A.44.130 may petition the superior  
11 court to be relieved of (~~that duty~~) duties to register and report, if  
12 the person has spent ten consecutive years in the community without  
13 being convicted of any new offenses. The petition shall be made to the  
14 court in which the petitioner was convicted of the offense that  
15 subjects him or her to the duty to register, or, in the case of  
16 convictions in other states, a foreign country, or a federal or  
17 military court, to the court in Thurston county. The prosecuting  
18 attorney of the county shall be named and served as the respondent in  
19 any such petition. The court shall consider the nature of the  
20 registrable offense committed, and the criminal and relevant  
21 noncriminal behavior of the petitioner both before and after  
22 conviction, and may consider other factors. Except as provided in  
23 subsection (4) of this section, the court may relieve the petitioner of  
24 the (~~duty~~) duties to register and report only if the petitioner  
25 shows, with clear and convincing evidence, that future registration of  
26 the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,  
27 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

28 (b)(i) The court may not relieve a person of the (~~duty~~) duties to  
29 register and report if the person has been determined to be a sexually  
30 violent predator as defined in RCW 71.09.020, or has been convicted of  
31 a sex offense or kidnapping offense that is a class A felony and that  
32 was committed with forcible compulsion on or after June 8, 2000.

33 (ii) Until July 1, 2012, the court may not relieve a person of the  
34 (~~duty~~) duties to register and report if the person has been convicted  
35 of one aggravated offense or more than one sexually violent offense, as  
36 defined in subsection (5) of this section, and the offense or offenses  
37 were committed on or after March 12, 2002.

1 (c) Any person subject to (b) of this subsection or subsection (5)  
2 of this section may petition the court to be exempted from any  
3 community notification requirements that the person may be subject to  
4 fifteen years after the later of the entry of the judgment and sentence  
5 or the last date of release from confinement, including full-time  
6 residential treatment, pursuant to the conviction, if the person has  
7 spent the time in the community without being convicted of any new  
8 offense.

9 (4) An offender having a duty to register under RCW 9A.44.130 for  
10 a sex offense or kidnapping offense committed when the offender was a  
11 juvenile may petition the superior court to be relieved of (~~that~~  
12 ~~duty~~) the duties to register and report. The court shall consider the  
13 nature of the registrable offense committed, and the criminal and  
14 relevant noncriminal behavior of the petitioner both before and after  
15 adjudication, and may consider other factors.

16 (a) The court may relieve the petitioner of the (~~duty~~) duties to  
17 register and report for a sex offense or kidnapping offense that was  
18 committed while the petitioner was fifteen years of age or older only  
19 if the petitioner shows, with clear and convincing evidence, that  
20 future registration of the petitioner will not serve the purposes of  
21 RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and  
22 72.09.330.

23 (b) The court may relieve the petitioner of the (~~duty~~) duties to  
24 register and report for a sex offense or kidnapping offense that was  
25 committed while the petitioner was under the age of fifteen if the  
26 petitioner (i) has not been adjudicated of any additional sex offenses  
27 or kidnapping offenses during the twenty-four months following the  
28 adjudication for the offense giving rise to the duty to register, and  
29 (ii) proves by a preponderance of the evidence that future registration  
30 of and reporting by the petitioner will not serve the purposes of RCW  
31 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

32 This subsection shall not apply to juveniles prosecuted as adults.

33 (5)(a) A person who has been convicted of an aggravated offense, or  
34 has been convicted of one or more prior sexually violent offenses or  
35 criminal offenses against a victim who is a minor, as defined in (b) of  
36 this subsection may only be relieved of the (~~duty~~) duties to register  
37 and report under subsection (3)(b) of this section. This provision

1 shall apply to convictions for crimes committed on or after July 22,  
2 2001.

3 (b) Unless the context clearly requires otherwise, the following  
4 definitions apply only to the federal lifetime registration  
5 requirements under this subsection:

6 (i) "Aggravated offense" means an adult conviction that meets the  
7 definition of 18 U.S.C. Sec. 2241, which is limited to the following:

8 (A) Any sex offense involving sexual intercourse or sexual contact  
9 where the victim is under twelve years of age;

10 (B) RCW 9A.44.040 (rape in the first degree), RCW 9A.44.073 (rape  
11 of a child in the first degree), or RCW 9A.44.083 (child molestation in  
12 the first degree);

13 (C) Any of the following offenses when committed by forcible  
14 compulsion or by the offender administering, by threat or force or  
15 without the knowledge or permission of that person, a drug, intoxicant,  
16 or other similar substance that substantially impairs the ability of  
17 that person to appraise or control conduct: RCW 9A.44.050 (rape in the  
18 second degree), RCW 9A.44.100 (indecent liberties), RCW 9A.44.160  
19 (custodial sexual misconduct in the first degree), RCW 9A.64.020  
20 (incest), or RCW 9.68A.040 (sexual exploitation of a minor);

21 (D) Any of the following offenses when committed by forcible  
22 compulsion or by the offender administering, by threat or force or  
23 without the knowledge or permission of that person, a drug, intoxicant,  
24 or other similar substance that substantially impairs the ability of  
25 that person to appraise or control conduct, if the victim is twelve  
26 years of age or over but under sixteen years of age and the offender is  
27 eighteen years of age or over and is more than forty-eight months older  
28 than the victim: RCW 9A.44.076 (rape of a child in the second degree),  
29 RCW 9A.44.079 (rape of a child in the third degree), RCW 9A.44.086  
30 (child molestation in the second degree), or RCW 9A.44.089 (child  
31 molestation in the third degree);

32 (E) A felony with a finding of sexual motivation under RCW  
33 9.94A.835 where the victim is under twelve years of age or that is  
34 committed by forcible compulsion or by the offender administering, by  
35 threat or force or without the knowledge or permission of that person,  
36 a drug, intoxicant, or other similar substance that substantially  
37 impairs the ability of that person to appraise or control conduct;

1 (F) An offense that is, under chapter 9A.28 RCW, an attempt or  
2 solicitation to commit such an offense; or

3 (G) An offense defined by federal law or the laws of another state  
4 that is equivalent to the offenses listed in (b)(i)(A) through (F) of  
5 this subsection.

6 (ii) "Sexually violent offense" means an adult conviction that  
7 meets the definition of 42 U.S.C. Sec. 14071(a)(1)(A), which is limited  
8 to the following:

9 (A) An aggravated offense;

10 (B) An offense that is not an aggravated offense but meets the  
11 definition of 18 U.S.C. Sec. 2242, which is limited to RCW 9A.44.050(1)  
12 (b) through (f) (rape in the second degree) and RCW 9A.44.100(1) (b)  
13 through (f) (indecent liberties);

14 (C) A felony with a finding of sexual motivation under RCW  
15 9.94A.835 where the victim is incapable of appraising the nature of the  
16 conduct or physically incapable of declining participation in, or  
17 communicating unwillingness to engage in, the conduct;

18 (D) An offense that is, under chapter 9A.28 RCW, an attempt or  
19 solicitation to commit such an offense; or

20 (E) An offense defined by federal law or the laws of another state  
21 that is equivalent to the offenses listed in (b)(ii)(A) through (D) of  
22 this subsection.

23 (iii) "Criminal offense against a victim who is a minor" means, in  
24 addition to any aggravated offense or sexually violent offense where  
25 the victim was under eighteen years of age, an adult conviction for the  
26 following offenses where the victim is under eighteen years of age:

27 (A) RCW 9A.44.060 (rape in the third degree), RCW 9A.44.076 (rape  
28 of a child in the second degree), RCW 9A.44.079 (rape of a child in the  
29 third degree), RCW 9A.44.086 (child molestation in the second degree),  
30 RCW 9A.44.089 (child molestation in the third degree), RCW 9A.44.093  
31 (sexual misconduct with a minor in the first degree), RCW 9A.44.096  
32 (sexual misconduct with a minor in the second degree), RCW 9A.44.160  
33 (custodial sexual misconduct in the first degree), RCW 9A.64.020  
34 (incest), RCW 9.68A.040 (sexual exploitation of a minor), RCW 9.68A.090  
35 (communication with a minor for immoral purposes), or RCW 9.68A.100  
36 (patronizing a juvenile prostitute);

37 (B) RCW 9A.40.020 (kidnapping in the first degree), RCW 9A.40.030

1 (kidnapping in the second degree), or RCW 9A.40.040 (unlawful  
2 imprisonment), where the victim is a minor and the offender is not the  
3 minor's parent;

4 (C) A felony with a finding of sexual motivation under RCW  
5 9.94A.835 where the victim is a minor;

6 (D) An offense that is, under chapter 9A.28 RCW, an attempt or  
7 solicitation to commit such an offense; or

8 (E) An offense defined by federal law or the laws of another state  
9 that is equivalent to the offenses listed in (b)(iii)(A) through (D) of  
10 this subsection.

11 (6) Unless relieved of the (~~duty~~) duties to register and report  
12 pursuant to this section, a violation of RCW 9A.44.130 is an ongoing  
13 offense for purposes of the statute of limitations under RCW 9A.04.080.

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

17 (8) For purposes of determining whether a person has been convicted  
18 of more than one sex offense, failure to register as a sex offender or  
19 kidnapping offender is not a sex or kidnapping offense.

20 **Sec. 6.** RCW 9A.76.050 and 1982 1st ex.s. c 47 s 20 are each  
21 amended to read as follows:

22 As used in RCW 9A.76.070, 9A.76.080, and 9A.76.090, a person  
23 "renders criminal assistance" if, with intent to prevent, hinder, or  
24 delay the apprehension or prosecution of another person (~~who he~~) whom  
25 the person knows has committed a crime or juvenile offense or is being  
26 sought by law enforcement officials for the commission of a crime or  
27 juvenile offense or has escaped from a detention facility, (~~he~~) the  
28 person:

29 (1) Harbors or conceals such person; or

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

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

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

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

- 1       (6) Provides any assistance to a sex offender that assists that
- 2 offender in avoiding discovery or apprehension for a violation of law;
- 3 or
- 4       (7) Provides such person with a weapon.

5       **NEW SECTION.**   **Sec. 7.** A new section is added to chapter 9A.44 RCW  
6 to read as follows:

7       (1) A person is guilty of seeking employment working with children  
8 if the person has been convicted of a sex offense against a victim who  
9 was a minor and the person seeks to or obtains employments or volunteer  
10 work at any business, school, day care center, park, playground, or  
11 other place where children regularly congregate.

12       (2) A person convicted of a sex offense may seek court removal of  
13 the prohibition in subsection (1) of this section after a court  
14 evaluation and a showing that the person has not reoffended for at  
15 least ten years.

16       (3) Seeking employment working with children is a class C felony.

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

19       All persons convicted of a sex offense under this chapter must  
20 register with the federal department of justice national sex offender  
21 public registry.

22       **NEW SECTION.**   **Sec. 9.** A new section is added to chapter 9A.76 RCW  
23 to read as follows:

24       (1) A person who knowingly permits a sex offender to reside with  
25 him or her and has reason to believe that the sex offender has failed  
26 to comply with sex offender reporting and registration requirements is  
27 guilty of aiding a sex offender.

28       (2) Aiding a sex offender is a class C felony.

29       **NEW SECTION.**   **Sec. 10.** A new section is added to chapter 9A.76 RCW  
30 to read as follows:

31       (1) A person is guilty of tampering with an electronic monitoring  
32 device if:

33       (a) Having been found to be guilty of an offense under chapter

1 9.68A, 9A.44, or 9A.64 RCW and being under an order of conditional  
2 release, the person tampers with his or her electronic monitoring  
3 device or removes it without authorization; and

4 (b) The person is not subject to RCW 9A.76.115.

5 (2) Tampering with an electronic monitoring device is a class A  
6 felony with a minimum sentence of sixty months, and shall be sentenced  
7 under RCW 9.94A.712.

8 NEW SECTION. **Sec. 11.** (1) A pilot project to require sex  
9 offenders who register as lacking a fixed residence to be  
10 electronically monitored with real-time global positioning system (GPS)  
11 technology is established.

12 (2) The legislature shall appoint a joint legislative committee to  
13 select two counties to participate in the pilot project. One county  
14 shall have a population of equal to or fewer than one hundred persons  
15 per square mile as determined by the office of financial management and  
16 one county shall have a population greater than one hundred persons per  
17 square mile as determined by the office of financial management.

18 (3) The local jurisdictions participating in the pilot project  
19 shall report findings to appropriate committees of the legislature by  
20 December 1, 2008.

21 NEW SECTION. **Sec. 12.** (1) A pilot project to require sex  
22 offenders who fail to register to be electronically monitored is  
23 established.

24 (2) The legislature shall appoint a joint legislative committee to  
25 select two counties to participate in the pilot project. One county  
26 shall have a population of equal to or fewer than one hundred persons  
27 per square mile as determined by the office of financial management and  
28 one county shall have a population greater than one hundred persons per  
29 square mile as determined by the office of financial management.

30 (3) The local jurisdictions participating in the pilot project  
31 shall report findings to appropriate committees of the legislature by  
32 December 1, 2008.

33 NEW SECTION. **Sec. 13.** A community education and safety work group  
34 is created comprised of representatives of the safety center of the  
35 office of the superintendent of public instruction, the department of

1 corrections, and the department of social and health services. The  
2 work group shall create a model policy on community education and  
3 safety regarding sex offenders for local school districts to follow and  
4 shall be designed with a specific focus on educating and protecting  
5 young children from offenders. The policy shall also contain the types  
6 and amounts of training that will be necessary for principals,  
7 teachers, supervisors, school staff, and parents to implement this act.  
8 The work group shall report to the appropriate committees of the  
9 legislature with recommendations for training requirements by January  
10 1, 2007.

11 **Sec. 14.** RCW 4.24.5501 and 1997 c 364 s 6 are each amended to read  
12 as follows:

13 (1) By December 1, (~~(1997)~~) 2007, the Washington association of  
14 sheriffs and police chiefs shall (~~(develop a)~~) revise its model policy  
15 for law enforcement agencies to follow when they disclose information  
16 about sex offenders to the public under RCW 4.24.550. The model policy  
17 shall be designed to further the objectives of providing adequate  
18 notice to the community concerning sex offenders who are or will be  
19 residing in the community and of assisting community members in  
20 developing constructive plans to prepare themselves and their children  
21 for residing near released sex offenders.

22 (2) In (~~(developing)~~) revising the policy, the association shall  
23 consult with representatives of the following agencies and professions:

24 (a) The department of corrections; (b) the department of social and  
25 health services; (c) the indeterminate sentence review board; (d) the  
26 Washington state council of police officers; (e) local correctional  
27 agencies; (f) the Washington association of prosecuting attorneys; (g)  
28 the Washington public defender association; (h) the Washington  
29 association for the treatment of sexual abusers; and (i) victim  
30 advocates.

31 (3) The model policy shall, at a minimum, include recommendations  
32 to address the following issues: (a) Procedures for local agencies or  
33 officials to accomplish the notifications required under RCW  
34 4.24.550(~~(+8)~~) (10); (b) contents and form of community notification  
35 documents, including procedures for ensuring the accuracy of factual  
36 information contained in the notification documents, and ways of  
37 protecting the privacy of victims of the offenders' crimes; (c) methods



1 of distributing community notification documents; (d) methods of  
2 providing follow-up notifications to community residents at specified  
3 intervals and of disclosing information about offenders to law  
4 enforcement agencies in other jurisdictions if necessary to protect the  
5 public; (e) methods of educating community residents at public meetings  
6 on how they can use the information in the notification document in a  
7 reasonable manner to enhance their individual and collective safety;  
8 (f) procedures for educating community members regarding the right of  
9 sex offenders not to be the subject of harassment or criminal acts as  
10 a result of the notification process; and (g) other matters the  
11 Washington association of sheriffs and police chiefs deems necessary to  
12 ensure the effective and fair administration of RCW 4.24.550.

13 NEW SECTION. **Sec. 15.** Section 3 of this act expires September 1,  
14 2006.

15 NEW SECTION. **Sec. 16.** Section 4 of this act takes effect  
16 September 1, 2006.

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