

SENATE BILL 6315

State of Washington                      59th Legislature                      2006 Regular Session

By Senators Carrell, Benton, Roach, Mulliken, Oke, Schoesler, Schmidt, Regala, Delvin, Stevens, Benson, Sheldon and Esser

Read first time 01/11/2006. Referred to Committee on Human Services & Corrections.

1            AN ACT Relating to sex offenders; amending RCW 9A.44.130,  
2 9A.44.135, 9.94A.712, 9.94A.712, and 72.09.130; reenacting and amending  
3 RCW 9.94A.515 and 9A.44.130; adding a new section to chapter 72.09 RCW;  
4 adding a new section to chapter 9.92 RCW; adding a new section to  
5 chapter 59.18 RCW; prescribing penalties; providing effective dates;  
6 and providing expiration dates.

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

8            **Sec. 1.** RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are  
9 each reenacted and amended to read as follows:

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	TABLE 2
	CRIMES INCLUDED WITHIN
	EACH SERIOUSNESS LEVEL
XVI	Aggravated Murder 1 (RCW
	10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)

1 Malicious explosion 1 (RCW  
2 70.74.280(1))  
3 Murder 1 (RCW 9A.32.030)  
4 XIV Murder 2 (RCW 9A.32.050)  
5 Trafficking 1 (RCW 9A.40.100(1))  
6 XIII Malicious explosion 2 (RCW  
7 70.74.280(2))  
8 Malicious placement of an explosive 1  
9 (RCW 70.74.270(1))  
10 XII Assault 1 (RCW 9A.36.011)  
11 Assault of a Child 1 (RCW 9A.36.120)  
12 Malicious placement of an imitation  
13 device 1 (RCW 70.74.272(1)(a))  
14 Rape 1 (RCW 9A.44.040)  
15 Rape of a Child 1 (RCW 9A.44.073)  
16 Trafficking 2 (RCW 9A.40.100(2))  
17 XI Manslaughter 1 (RCW 9A.32.060)  
18 Rape 2 (RCW 9A.44.050)  
19 Rape of a Child 2 (RCW 9A.44.076)  
20 X Child Molestation 1 (RCW 9A.44.083)  
21 Indecent Liberties (with forcible  
22 compulsion) (RCW  
23 9A.44.100(1)(a))  
24 Kidnapping 1 (RCW 9A.40.020)  
25 Leading Organized Crime (RCW  
26 9A.82.060(1)(a))  
27 Malicious explosion 3 (RCW  
28 70.74.280(3))  
29 Sexually Violent Predator Escape  
30 (RCW 9A.76.115)  
31 IX Assault of a Child 2 (RCW 9A.36.130)  
32 Explosive devices prohibited (RCW  
33 70.74.180)  
34 Hit and Run--Death (RCW  
35 46.52.020(4)(a))

1 Homicide by Watercraft, by being  
2 under the influence of intoxicating  
3 liquor or any drug (RCW  
4 79A.60.050)  
5 Inciting Criminal Profiteering (RCW  
6 9A.82.060(1)(b))  
7 Malicious placement of an explosive 2  
8 (RCW 70.74.270(2))  
9 Robbery 1 (RCW 9A.56.200)  
10 Sexual Exploitation (RCW 9.68A.040)  
11 Vehicular Homicide, by being under  
12 the influence of intoxicating liquor  
13 or any drug (RCW 46.61.520)  
14 VIII Arson 1 (RCW 9A.48.020)  
15 Homicide by Watercraft, by the  
16 operation of any vessel in a  
17 reckless manner (RCW  
18 79A.60.050)  
19 Manslaughter 2 (RCW 9A.32.070)  
20 Promoting Prostitution 1 (RCW  
21 9A.88.070)  
22 Theft of Ammonia (RCW 69.55.010)  
23 Vehicular Homicide, by the operation  
24 of any vehicle in a reckless  
25 manner (RCW 46.61.520)  
26 VII Burglary 1 (RCW 9A.52.020)  
27 Child Molestation 2 (RCW 9A.44.086)  
28 Civil Disorder Training (RCW  
29 9A.48.120)  
30 Dealing in depictions of minor  
31 engaged in sexually explicit  
32 conduct (RCW 9.68A.050)  
33 Drive-by Shooting (RCW 9A.36.045)  
34 Homicide by Watercraft, by disregard  
35 for the safety of others (RCW  
36 79A.60.050)

1 Indecent Liberties (without forcible  
2 compulsion) (RCW 9A.44.100(1)  
3 (b) and (c))  
4 Introducing Contraband 1 (RCW  
5 9A.76.140)  
6 Malicious placement of an explosive 3  
7 (RCW 70.74.270(3))  
8 Negligently Causing Death By Use of  
9 a Signal Preemption Device  
10 (RCW 46.37.675)  
11 Sending, bringing into state depictions  
12 of minor engaged in sexually  
13 explicit conduct (RCW  
14 9.68A.060)  
15 Unlawful Possession of a Firearm in  
16 the first degree (RCW  
17 9.41.040(1))  
18 Use of a Machine Gun in Commission  
19 of a Felony (RCW 9.41.225)  
20 Vehicular Homicide, by disregard for  
21 the safety of others (RCW  
22 46.61.520)  
23 VI Bail Jumping with Murder 1 (RCW  
24 9A.76.170(3)(a))  
25 Bribery (RCW 9A.68.010)  
26 Incest 1 (RCW 9A.64.020(1))  
27 Intimidating a Judge (RCW  
28 9A.72.160)  
29 Intimidating a Juror/Witness (RCW  
30 9A.72.110, 9A.72.130)  
31 Malicious placement of an imitation  
32 device 2 (RCW 70.74.272(1)(b))  
33 Rape of a Child 3 (RCW 9A.44.079)  
34 Theft of a Firearm (RCW 9A.56.300)  
35 Unlawful Storage of Ammonia (RCW  
36 69.55.020)

1 V Abandonment of dependent person 1  
2 (RCW 9A.42.060)  
3 Advancing money or property for  
4 extortionate extension of credit  
5 (RCW 9A.82.030)  
6 Bail Jumping with class A Felony  
7 (RCW 9A.76.170(3)(b))  
8 Child Molestation 3 (RCW 9A.44.089)  
9 Criminal Mistreatment 1 (RCW  
10 9A.42.020)  
11 Custodial Sexual Misconduct 1 (RCW  
12 9A.44.160)  
13 Domestic Violence Court Order  
14 Violation (RCW 10.99.040,  
15 10.99.050, 26.09.300, 26.10.220,  
16 26.26.138, 26.50.110, 26.52.070,  
17 or 74.34.145)  
18 Extortion 1 (RCW 9A.56.120)  
19 Extortionate Extension of Credit  
20 (RCW 9A.82.020)  
21 Extortionate Means to Collect  
22 Extensions of Credit (RCW  
23 9A.82.040)  
24 Incest 2 (RCW 9A.64.020(2))  
25 Kidnapping 2 (RCW 9A.40.030)  
26 Perjury 1 (RCW 9A.72.020)  
27 Persistent prison misbehavior (RCW  
28 9.94.070)  
29 Possession of a Stolen Firearm (RCW  
30 9A.56.310)  
31 Rape 3 (RCW 9A.44.060)  
32 Failure to Register as a Sex Offender  
33 (RCW 9A.44.130(10)(a))  
34 Rendering Criminal Assistance 1  
35 (RCW 9A.76.070)  
36 Sexual Misconduct with a Minor 1  
37 (RCW 9A.44.093)

1 Sexually Violating Human Remains  
2 (RCW 9A.44.105)  
3 Stalking (RCW 9A.46.110)  
4 Taking Motor Vehicle Without  
5 Permission 1 (RCW 9A.56.070)  
6 IV Arson 2 (RCW 9A.48.030)  
7 Assault 2 (RCW 9A.36.021)  
8 Assault 3 (of a Peace Officer with a  
9 Projectile Stun Gun) (RCW  
10 9A.36.031(1)(h))  
11 Assault by Watercraft (RCW  
12 79A.60.060)  
13 Bribing a Witness/Bribe Received by  
14 Witness (RCW 9A.72.090,  
15 9A.72.100)  
16 Cheating 1 (RCW 9.46.1961)  
17 Commercial Bribery (RCW  
18 9A.68.060)  
19 Counterfeiting (RCW 9.16.035(4))  
20 Endangerment with a Controlled  
21 Substance (RCW 9A.42.100)  
22 Escape 1 (RCW 9A.76.110)  
23 Hit and Run--Injury (RCW  
24 46.52.020(4)(b))  
25 Hit and Run with Vessel--Injury  
26 Accident (RCW 79A.60.200(3))  
27 Identity Theft 1 (RCW 9.35.020(2))  
28 Indecent Exposure to Person Under  
29 Age Fourteen (subsequent sex  
30 offense) (RCW 9A.88.010)  
31 Influencing Outcome of Sporting  
32 Event (RCW 9A.82.070)  
33 Malicious Harassment (RCW  
34 9A.36.080)  
35 Residential Burglary (RCW  
36 9A.52.025)  
37 Robbery 2 (RCW 9A.56.210)

1 Theft of Livestock 1 (RCW 9A.56.080)  
2 Threats to Bomb (RCW 9.61.160)  
3 Trafficking in Stolen Property 1 (RCW  
4 9A.82.050)  
5 Unlawful factoring of a credit card or  
6 payment card transaction (RCW  
7 9A.56.290(4)(b))  
8 Unlawful transaction of health  
9 coverage as a health care service  
10 contractor (RCW 48.44.016(3))  
11 Unlawful transaction of health  
12 coverage as a health maintenance  
13 organization (RCW 48.46.033(3))  
14 Unlawful transaction of insurance  
15 business (RCW 48.15.023(3))  
16 Unlicensed practice as an insurance  
17 professional (RCW 48.17.063(3))  
18 Use of Proceeds of Criminal  
19 Profiteering (RCW 9A.82.080 (1)  
20 and (2))  
21 Vehicular Assault, by being under the  
22 influence of intoxicating liquor or  
23 any drug, or by the operation or  
24 driving of a vehicle in a reckless  
25 manner (RCW 46.61.522)  
26 Willful Failure to Return from  
27 Furlough (RCW 72.66.060)  
28 III Abandonment of dependent person 2  
29 (RCW 9A.42.070)  
30 Assault 3 (Except Assault 3 of a Peace  
31 Officer With a Projectile Stun  
32 Gun) (RCW 9A.36.031 except  
33 subsection (1)(h))  
34 Assault of a Child 3 (RCW 9A.36.140)  
35 Bail Jumping with class B or C Felony  
36 (RCW 9A.76.170(3)(c))  
37 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for  
2 Immoral Purposes (RCW  
3 9.68A.090)  
4 Criminal Gang Intimidation (RCW  
5 9A.46.120)  
6 Criminal Mistreatment 2 (RCW  
7 9A.42.030)  
8 Custodial Assault (RCW 9A.36.100)  
9 Cyberstalking (subsequent conviction  
10 or threat of death) (RCW  
11 9.61.260(3))  
12 Escape 2 (RCW 9A.76.120)  
13 Extortion 2 (RCW 9A.56.130)  
14 Harassment (RCW 9A.46.020)  
15 Intimidating a Public Servant (RCW  
16 9A.76.180)  
17 Introducing Contraband 2 (RCW  
18 9A.76.150)  
19 Malicious Injury to Railroad Property  
20 (RCW 81.60.070)  
21 Negligently Causing Substantial Bodily  
22 Harm By Use of a Signal  
23 Preemption Device (RCW  
24 46.37.674)  
25 Patronizing a Juvenile Prostitute  
26 (RCW 9.68A.100)  
27 Perjury 2 (RCW 9A.72.030)  
28 Possession of Incendiary Device (RCW  
29 9.40.120)  
30 Possession of Machine Gun or Short-  
31 Barreled Shotgun or Rifle (RCW  
32 9.41.190)  
33 Promoting Prostitution 2 (RCW  
34 9A.88.080)  
35 Securities Act violation (RCW  
36 21.20.400)



1 Tampering with a Witness (RCW  
2 9A.72.120)  
3 Telephone Harassment (subsequent  
4 conviction or threat of death)  
5 (RCW 9.61.230(2))  
6 Theft of Livestock 2 (RCW 9A.56.083)  
7 Trafficking in Stolen Property 2 (RCW  
8 9A.82.055)  
9 Unlawful Imprisonment (RCW  
10 9A.40.040)  
11 Unlawful possession of firearm in the  
12 second degree (RCW 9.41.040(2))  
13 Vehicular Assault, by the operation or  
14 driving of a vehicle with disregard  
15 for the safety of others (RCW  
16 46.61.522)  
17 Willful Failure to Return from Work  
18 Release (RCW 72.65.070)  
19 II Computer Trespass 1 (RCW  
20 9A.52.110)  
21 Counterfeiting (RCW 9.16.035(3))  
22 Escape from Community Custody  
23 (RCW 72.09.310)  
24 Health Care False Claims (RCW  
25 48.80.030)  
26 Identity Theft 2 (RCW 9.35.020(3))  
27 Improperly Obtaining Financial  
28 Information (RCW 9.35.010)  
29 Malicious Mischief 1 (RCW  
30 9A.48.070)  
31 Possession of Stolen Property 1 (RCW  
32 9A.56.150)  
33 Theft 1 (RCW 9A.56.030)  
34 Theft of Rental, Leased, or Lease-  
35 purchased Property (valued at one  
36 thousand five hundred dollars or  
37 more) (RCW 9A.56.096(5)(a))

1 Trafficking in Insurance Claims (RCW  
2 48.30A.015)  
3 Unlawful factoring of a credit card or  
4 payment card transaction (RCW  
5 9A.56.290(4)(a))  
6 Unlawful Practice of Law (RCW  
7 2.48.180)  
8 Unlicensed Practice of a Profession or  
9 Business (RCW 18.130.190(7))  
10 I Attempting to Elude a Pursuing Police  
11 Vehicle (RCW 46.61.024)  
12 False Verification for Welfare (RCW  
13 74.08.055)  
14 Forgery (RCW 9A.60.020)  
15 Fraudulent Creation or Revocation of a  
16 Mental Health Advance Directive  
17 (RCW 9A.60.060)  
18 Malicious Mischief 2 (RCW  
19 9A.48.080)  
20 Mineral Trespass (RCW 78.44.330)  
21 Possession of Stolen Property 2 (RCW  
22 9A.56.160)  
23 Reckless Burning 1 (RCW 9A.48.040)  
24 Taking Motor Vehicle Without  
25 Permission 2 (RCW 9A.56.075)  
26 Theft 2 (RCW 9A.56.040)  
27 Theft of Rental, Leased, or Lease-  
28 purchased Property (valued at two  
29 hundred fifty dollars or more but  
30 less than one thousand five  
31 hundred dollars) (RCW  
32 9A.56.096(5)(b))  
33 Transaction of insurance business  
34 beyond the scope of licensure  
35 (RCW 48.17.063(4))  
36 Unlawful Issuance of Checks or Drafts  
37 (RCW 9A.56.060)

1 Unlawful Possession of Fictitious  
2 Identification (RCW 9A.56.320)  
3 Unlawful Possession of Instruments of  
4 Financial Fraud (RCW  
5 9A.56.320)  
6 Unlawful Possession of Payment  
7 Instruments (RCW 9A.56.320)  
8 Unlawful Possession of a Personal  
9 Identification Device (RCW  
10 9A.56.320)  
11 Unlawful Production of Payment  
12 Instruments (RCW 9A.56.320)  
13 Unlawful Trafficking in Food Stamps  
14 (RCW 9.91.142)  
15 Unlawful Use of Food Stamps (RCW  
16 9.91.144)  
17 Vehicle Prowl 1 (RCW 9A.52.095)

18 **Sec. 2.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are  
19 each reenacted and amended to read as follows:

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

1 by the first business day after arriving at the institution, whichever  
2 is earlier, notify the sheriff for the county of the person's residence  
3 of the person's intent to attend the institution; (b) who gains  
4 employment at a public or private institution of higher education  
5 shall, within ten days of accepting employment or by the first business  
6 day after commencing work at the institution, whichever is earlier,  
7 notify the sheriff for the county of the person's residence of the  
8 person's employment by the institution; or (c) whose enrollment or  
9 employment at a public or private institution of higher education is  
10 terminated shall, within ten days of such termination, notify the  
11 sheriff for the county of the person's residence of the person's  
12 termination of enrollment or employment at the institution. Persons  
13 required to register under this section who are enrolled in a public or  
14 private institution of higher education on June 11, 1998, must notify  
15 the county sheriff immediately. The sheriff shall notify the  
16 institution's department of public safety and shall provide that  
17 department with the same information provided to a county sheriff under  
18 subsection (3) of this section.

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

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

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

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

37 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
38 offense on, before, or after February 28, 1990, and who, on or after

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

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

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

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

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

1 or vocation. The obligation to register shall only cease pursuant to  
2 RCW 9A.44.140.

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

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

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

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

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

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

31 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
32 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
33 who move to another state, or who work, carry on a vocation, or attend  
34 school in another state shall register a new address, fingerprints, and  
35 photograph with the new state within ten days after establishing  
36 residence, or after beginning to work, carry on a vocation, or attend  
37 school in the new state. The person must also send written notice  
38 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) of this section. The county sheriff shall  
7 not be required to determine whether the person is living within the  
8 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 who applies to change his or her name under RCW 4.24.130 or any  
6 other law shall submit a copy of the application to the county sheriff  
7 of the county of the person's residence and to the state patrol not  
8 fewer than five days before the entry of an order granting the name  
9 change. No sex offender under the requirement to register under this  
10 section at the time of application shall be granted an order changing  
11 his or her name if the court finds that doing so will interfere with  
12 legitimate law enforcement interests, except that no order shall be  
13 denied when the name change is requested for religious or legitimate  
14 cultural reasons or in recognition of marriage or dissolution of  
15 marriage. A sex offender under the requirement to register under this  
16 section who receives an order changing his or her name shall submit a  
17 copy of the order to the county sheriff of the county of the person's  
18 residence and to the state patrol within five days of the entry of the  
19 order.

20 (8) The county sheriff shall obtain a photograph of the individual  
21 and shall obtain a copy of the individual's fingerprints. A photograph  
22 may be taken at any time to update an individual's file.

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

25 (a) "Sex offense" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **Sec. 3.** RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read  
9 as follows:

10 (1)(a) Any adult or juvenile residing whether or not the person has  
11 a 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  
20 section is in custody of the state department of corrections, the state  
21 department of social and health services, a local division of youth  
22 services, or a local jail or juvenile detention facility as a result of  
23 a sex offense or kidnapping offense, the person shall also register at  
24 the time of release from custody with an official designated by the  
25 agency that has jurisdiction over the person.

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

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

34 (ii) Who is admitted to a public or private institution of higher  
35 education shall, within ten days of enrolling or by the first business  
36 day after arriving at the institution, whichever is earlier, notify the

1 sheriff for the county of the person's residence of the person's intent  
2 to attend the institution;

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

8 (iv) Whose enrollment or employment at a public or private  
9 institution of higher education is terminated shall, within ten days of  
10 such termination, notify the sheriff for the county of the person's  
11 residence of the person's termination of enrollment or employment at  
12 the institution.

13 (c) Persons required to register under this section who are  
14 enrolled in a public or private institution of higher education on June  
15 11, 1998, or a public or private school regulated under Title 28A RCW  
16 or chapter 72.40 RCW on September 1, 2006, must notify the county  
17 sheriff immediately.

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

22 (e)(i) A principal receiving notice under this subsection must  
23 disclose the information received from the sheriff under (b) of this  
24 subsection as follows:

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

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

36 (ii) Any information received by a principal or school personnel  
37 under this subsection is confidential and may not be further

1 disseminated except as provided in RCW 28A.225.330, other statutes or  
2 case law, and the family and educational and privacy rights act of  
3 1994, 20 U.S.C. Sec. 1232g et seq.

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

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

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

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

22 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
23 offense on, before, or after February 28, 1990, and who, on or after  
24 July 28, 1991, are in custody, as a result of that offense, of the  
25 state department of corrections, the state department of social and  
26 health services, a local division of youth services, or a local jail or  
27 juvenile detention facility, and (B) kidnapping offenders who on or  
28 after July 27, 1997, are in custody of the state department of  
29 corrections, the state department of social and health services, a  
30 local division of youth services, or a local jail or juvenile detention  
31 facility, must register at the time of release from custody with an  
32 official designated by the agency that has jurisdiction over the  
33 offender. The agency shall within three days forward the registration  
34 information to the county sheriff for the county of the offender's  
35 anticipated residence. The offender must also register within twenty-  
36 four hours from the time of release with the county sheriff for the  
37 county of the person's residence, or if the person is not a resident of  
38 Washington, the county of the person's school, or place of employment

1 or vocation. The agency that has jurisdiction over the offender shall  
2 provide notice to the offender of the duty to register. Failure to  
3 register at the time of release and within twenty-four hours of release  
4 constitutes a violation of this section and is punishable as provided  
5 in subsection (10) of this section.

6 When the agency with jurisdiction intends to release an offender  
7 with a duty to register under this section, and the agency has  
8 knowledge that the offender is eligible for developmental disability  
9 services from the department of social and health services, the agency  
10 shall notify the division of developmental disabilities of the release.  
11 Notice shall occur not more than thirty days before the offender is to  
12 be released. The agency and the division shall assist the offender in  
13 meeting the initial registration requirement under this section.  
14 Failure to provide such assistance shall not constitute a defense for  
15 any violation of this section.

16 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
17 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody  
18 but are under the jurisdiction of the indeterminate sentence review  
19 board or under the department of corrections' active supervision, as  
20 defined by the department of corrections, the state department of  
21 social and health services, or a local division of youth services, for  
22 sex offenses committed before, on, or after February 28, 1990, must  
23 register within ten days of July 28, 1991. Kidnapping offenders who,  
24 on July 27, 1997, are not in custody but are under the jurisdiction of  
25 the indeterminate sentence review board or under the department of  
26 corrections' active supervision, as defined by the department of  
27 corrections, the state department of social and health services, or a  
28 local division of youth services, for kidnapping offenses committed  
29 before, on, or after July 27, 1997, must register within ten days of  
30 July 27, 1997. A change in supervision status of a sex offender who  
31 was required to register under this subsection (4)(a)(ii) as of July  
32 28, 1991, or a kidnapping offender required to register as of July 27,  
33 1997, shall not relieve the offender of the duty to register or to  
34 reregister following a change in residence. The obligation to register  
35 shall only cease pursuant to RCW 9A.44.140.

36 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
37 or after July 23, 1995, and kidnapping offenders who, on or after July  
38 27, 1997, as a result of that offense are in the custody of the United



1 States bureau of prisons or other federal or military correctional  
2 agency for sex offenses committed before, on, or after February 28,  
3 1990, or kidnapping offenses committed on, before, or after July 27,  
4 1997, must register within twenty-four hours from the time of release  
5 with the county sheriff for the county of the person's residence, or if  
6 the person is not a resident of Washington, the county of the person's  
7 school, or place of employment or vocation. Sex offenders who, on July  
8 23, 1995, are not in custody but are under the jurisdiction of the  
9 United States bureau of prisons, United States courts, United States  
10 parole commission, or military parole board for sex offenses committed  
11 before, on, or after February 28, 1990, must register within ten days  
12 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not  
13 in custody but are under the jurisdiction of the United States bureau  
14 of prisons, United States courts, United States parole commission, or  
15 military parole board for kidnapping offenses committed before, on, or  
16 after July 27, 1997, must register within ten days of July 27, 1997.  
17 A change in supervision status of a sex offender who was required to  
18 register under this subsection (4)(a)(iii) as of July 23, 1995, or a  
19 kidnapping offender required to register as of July 27, 1997 shall not  
20 relieve the offender of the duty to register or to reregister following  
21 a change in residence, or if the person is not a resident of  
22 Washington, the county of the person's school, or place of employment  
23 or vocation. The obligation to register shall only cease pursuant to  
24 RCW 9A.44.140.

25 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
26 who are convicted of a sex offense on or after July 28, 1991, for a sex  
27 offense that was committed on or after February 28, 1990, and  
28 kidnapping offenders who are convicted on or after July 27, 1997, for  
29 a kidnapping offense that was committed on or after July 27, 1997, but  
30 who are not sentenced to serve a term of confinement immediately upon  
31 sentencing, shall report to the county sheriff to register immediately  
32 upon completion of being sentenced.

33 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
34 RESIDENTS. Sex offenders and kidnapping offenders who move to  
35 Washington state from another state or a foreign country that are not  
36 under the jurisdiction of the state department of corrections, the  
37 indeterminate sentence review board, or the state department of social  
38 and health services at the time of moving to Washington, must register

1 within (~~thirty~~) three days of establishing residence or  
2 reestablishing residence if the person is a former Washington resident.  
3 The duty to register under this subsection applies to sex offenders  
4 convicted under the laws of another state or a foreign country, federal  
5 or military statutes, or Washington state for offenses committed on or  
6 after February 28, 1990, and to kidnapping offenders convicted under  
7 the laws of another state or a foreign country, federal or military  
8 statutes, or Washington state for offenses committed on or after July  
9 27, 1997. Sex offenders and kidnapping offenders from other states or  
10 a foreign country who, when they move to Washington, are under the  
11 jurisdiction of the department of corrections, the indeterminate  
12 sentence review board, or the department of social and health services  
13 must register within twenty-four hours of moving to Washington. The  
14 agency that has jurisdiction over the offender shall notify the  
15 offender of the registration requirements before the offender moves to  
16 Washington.

17 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
18 or juvenile who has been found not guilty by reason of insanity under  
19 chapter 10.77 RCW of (A) committing a sex offense on, before, or after  
20 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
21 as a result of that finding, of the state department of social and  
22 health services, or (B) committing a kidnapping offense on, before, or  
23 after July 27, 1997, and who on or after July 27, 1997, is in custody,  
24 as a result of that finding, of the state department of social and  
25 health services, must register within twenty-four hours from the time  
26 of release with the county sheriff for the county of the person's  
27 residence. The state department of social and health services shall  
28 provide notice to the adult or juvenile in its custody of the duty to  
29 register. Any adult or juvenile who has been found not guilty by  
30 reason of insanity of committing a sex offense on, before, or after  
31 February 28, 1990, but who was released before July 23, 1995, or any  
32 adult or juvenile who has been found not guilty by reason of insanity  
33 of committing a kidnapping offense but who was released before July 27,  
34 1997, shall be required to register within twenty-four hours of  
35 receiving notice of this registration requirement. The state  
36 department of social and health services shall make reasonable attempts  
37 within available resources to notify sex offenders who were released  
38 before July 23, 1995, and kidnapping offenders who were released before

1 July 27, 1997. Failure to register within twenty-four hours of  
2 release, or of receiving notice, constitutes a violation of this  
3 section and is punishable as provided in subsection (10) of this  
4 section.

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

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

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

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

31 (c) An arrest on charges of failure to register, service of an  
32 information, or a complaint for a violation of this section, or  
33 arraignment on charges for a violation of this section, constitutes  
34 actual notice of the duty to register. Any person charged with the  
35 crime of failure to register under this section who asserts as a  
36 defense the lack of notice of the duty to register shall register  
37 immediately following actual notice of the duty through arrest,  
38 service, or arraignment. Failure to register as required under this

1 subsection (4)(c) constitutes grounds for filing another charge of  
2 failing to register. Registering following arrest, service, or  
3 arraignment on charges shall not relieve the offender from criminal  
4 liability for failure to register prior to the filing of the original  
5 charge.

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

9 (5)(a) If any person required to register pursuant to this section  
10 changes his or her residence address within the same county, the person  
11 must send written notice of the change of address to the county sheriff  
12 within seventy-two hours of moving. If any person required to register  
13 pursuant to this section moves to a new county, the person must send  
14 written notice of the change of address at least fourteen days before  
15 moving to the county sheriff in the new county of residence and must  
16 register with that county sheriff within twenty-four hours of moving.  
17 The person must also send written notice within ten days of the change  
18 of address in the new county to the county sheriff with whom the person  
19 last registered. The county sheriff with whom the person last  
20 registered shall promptly forward the information concerning the change  
21 of address to the county sheriff for the county of the person's new  
22 residence. Upon receipt of notice of change of address to a new state,  
23 the county sheriff shall promptly forward the information regarding the  
24 change of address to the agency designated by the new state as the  
25 state's offender registration agency.

26 (b) It is an affirmative defense to a charge that the person failed  
27 to send a notice at least fourteen days in advance of moving as  
28 required under (a) of this subsection that the person did not know the  
29 location of his or her new residence at least fourteen days before  
30 moving. The defendant must establish the defense by a preponderance of  
31 the evidence and, to prevail on the defense, must also prove by a  
32 preponderance that the defendant sent the required notice within  
33 twenty-four hours of determining the new address.

34 (6)(a) Any person required to register under this section who lacks  
35 a fixed residence shall provide written notice to the sheriff of the  
36 county where he or she last registered within forty-eight hours  
37 excluding weekends and holidays after ceasing to have a fixed  
38 residence. The notice shall include the information required by

1 subsection (3)(b) of this section, except the photograph and  
2 fingerprints. The county sheriff may, for reasonable cause, require  
3 the offender to provide a photograph and fingerprints. The sheriff  
4 shall forward this information to the sheriff of the county in which  
5 the person intends to reside, if the person intends to reside in  
6 another county.

7 (b) A person who lacks a fixed residence must report weekly, in  
8 person, to the sheriff of the county where he or she is registered.  
9 The weekly report shall be on a day specified by the county sheriff's  
10 office, and shall occur during normal business hours. The county  
11 sheriff's office may require the person to list the locations where the  
12 person has stayed during the last seven days. The lack of a fixed  
13 residence is a factor that may be considered in determining an  
14 offender's risk level and shall make the offender subject to disclosure  
15 of information to the public at large pursuant to RCW 4.24.550.

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

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

1 copy of the order to the county sheriff of the county of the person's  
2 residence and to the state patrol within five days of the entry of the  
3 order.

4 (8) The county sheriff shall obtain a photograph of the individual  
5 and shall obtain a copy of the individual's fingerprints. A photograph  
6 may be taken at any time to update an individual's file.

7 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,  
8 70.48.470, and 72.09.330:

9 (a) "Sex offense" means:

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

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

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

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

18 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
19 criminal attempt, criminal solicitation, or criminal conspiracy to  
20 commit an offense that is classified as a sex offense under RCW  
21 9.94A.030 or this subsection.

22 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
23 the first degree, kidnapping in the second degree, and unlawful  
24 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
25 minor and the offender is not the minor's parent; (ii) any offense that  
26 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
27 or criminal conspiracy to commit an offense that is classified as a  
28 kidnapping offense under this subsection (9)(b); and (iii) any federal  
29 or out-of-state conviction for an offense that under the laws of this  
30 state would be classified as a kidnapping offense under this subsection  
31 (9)(b).

32 (c) "Employed" or "carries on a vocation" means employment that is  
33 full-time or part-time for a period of time exceeding fourteen days, or  
34 for an aggregate period of time exceeding thirty days during any  
35 calendar year. A person is employed or carries on a vocation whether  
36 the person's employment is financially compensated, volunteered, or for  
37 the purpose of government or educational benefit.

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

5 (10)(a) A person who knowingly fails to register with the county  
6 sheriff or notify the county sheriff, or who changes his or her name  
7 without notifying the county sheriff and the state patrol, as required  
8 by this section is guilty of a class C felony if the crime for which  
9 the individual was convicted was a felony sex offense as defined in  
10 subsection (9)(a) of this section or a federal or out-of-state  
11 conviction for an offense that under the laws of this state would be a  
12 felony sex offense as defined in subsection (9)(a) 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 (11)(a) A person who knowingly fails to register or who moves  
18 within the state without notifying the county sheriff as required by  
19 this section is guilty of a class C felony if the crime for which the  
20 individual was convicted was a felony kidnapping offense as defined in  
21 subsection (9)(b) of this section or a federal or out-of-state  
22 conviction for an offense that under the laws of this state would be a  
23 felony kidnapping offense as defined in subsection (9)(b) of this  
24 section.

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

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

33 **Sec. 4.** RCW 9A.44.135 and 2000 c 91 s 1 are each amended to read  
34 as follows:

35 (1) When an offender registers with the county sheriff pursuant to  
36 RCW 9A.44.130, the county sheriff shall notify the police chief or town  
37 marshal of the jurisdiction in which the offender has registered to

1 live. If the offender registers to live in an unincorporated area of  
2 the county, the sheriff shall make reasonable attempts to verify that  
3 the offender is residing at the registered address. If the offender  
4 registers to live in an incorporated city or town, the police chief or  
5 town marshal shall make reasonable attempts to verify that the offender  
6 is residing at the registered address. Reasonable attempts at  
7 verifying an address shall include at a minimum:

8 (a) For offenders who have not been previously designated sexually  
9 violent predators under chapter 71.09 RCW or an equivalent procedure in  
10 another jurisdiction, (~~each year the chief law enforcement officer of~~  
11 ~~the jurisdiction where the offender is registered to live shall send by~~  
12 ~~certified mail, with return receipt requested, a nonforwardable~~  
13 ~~verification form to the offender at the offender's last registered~~)  
14 at least once every six months, a law enforcement officer of the  
15 jurisdiction where the offender is registered to live, shall personally  
16 visit the offender's registered address and verify that the offender  
17 continues to reside at the address.

18 (b) For offenders who have been previously designated sexually  
19 violent predators under chapter 71.09 RCW or the equivalent procedure  
20 in another jurisdiction, even if the designation has subsequently been  
21 removed, every ninety days (~~the county sheriff shall send by certified~~  
22 ~~mail, with return receipt requested, a nonforwardable verification form~~  
23 ~~to the offender at the offender's last registered~~) a law enforcement  
24 officer shall personally visit the offender's registered address and  
25 verify that the offender continues to reside at the address.

26 (~~(c) The offender must sign the verification form, state on the~~  
27 ~~form whether he or she still resides at the last registered address,~~  
28 ~~and return the form to the chief law enforcement officer of the~~  
29 ~~jurisdiction where the offender is registered to live within ten days~~  
30 ~~after receipt of the form.))~~

31 (2) The chief law enforcement officer of the jurisdiction where the  
32 offender has registered to live shall make reasonable attempts to  
33 locate any sex offender (~~who fails to return the verification form~~  
34 ~~or~~) who cannot be located at the registered address. If (~~the~~  
35 ~~offender fails to return the verification form or~~) the offender is not  
36 at the last registered address, the chief law enforcement officer of  
37 the jurisdiction where the offender has registered to live shall



1 promptly forward this information to the county sheriff and to the  
2 Washington state patrol for inclusion in the central registry of sex  
3 offenders.

4 (3) When an offender notifies the county sheriff of a change to his  
5 or her residence address pursuant to RCW 9A.44.130, and the new address  
6 is in a different law enforcement jurisdiction, the county sheriff  
7 shall notify the police chief or town marshal of the jurisdiction from  
8 which the offender has moved.

9 **Sec. 5.** RCW 9.94A.712 and 2005 c 436 s 2 are each amended to read  
10 as follows:

11 (1) An offender who is not a persistent offender shall be sentenced  
12 under this section if the offender:

13 (a) Is convicted of:

14 (i) Rape in the first degree, rape in the second degree, rape of a  
15 child in the first degree, child molestation in the first degree, rape  
16 of a child in the second degree, or indecent liberties by forcible  
17 compulsion;

18 (ii) Any of the following offenses with a finding of sexual  
19 motivation: Murder in the first degree, murder in the second degree,  
20 homicide by abuse, kidnapping in the first degree, kidnapping in the  
21 second degree, assault in the first degree, assault in the second  
22 degree, assault of a child in the first degree, or burglary in the  
23 first degree; or

24 (iii) An attempt to commit any crime listed in this subsection  
25 (1)(a);  
26 committed on or after September 1, 2001; or

27 (b) Has a prior conviction for an offense listed in RCW  
28 9.94A.030(33)(b), and is convicted of any sex offense which was  
29 committed after September 1, 2001.

30 For purposes of this subsection (1)(b), failure to register is not  
31 a sex offense.

32 (2) An offender convicted of rape of a child in the first or second  
33 degree or child molestation in the first degree who was seventeen years  
34 of age or younger at the time of the offense shall not be sentenced  
35 under this section.

36 (3) Upon a finding that the offender is subject to sentencing under  
37 this section, the court shall impose a sentence to a maximum term

1 consisting of the statutory maximum sentence for the offense and a  
2 minimum term either within the standard sentence range for the offense,  
3 or outside the standard sentence range pursuant to RCW 9.94A.535, if  
4 the offender is otherwise eligible for such a sentence.

5 (4) A person sentenced under subsection (3) of this section shall  
6 serve the sentence in a facility or institution operated, or utilized  
7 under contract, by the state.

8 (5) When a court sentences a person to the custody of the  
9 department under this section, the court shall, in addition to the  
10 other terms of the sentence, sentence the offender to community custody  
11 under the supervision of the department and the authority of the board  
12 for any period of time the person is released from total confinement  
13 before the expiration of the maximum sentence.

14 (6)(a)(i) Unless a condition is waived by the court, the conditions  
15 of community custody shall include those provided for in RCW  
16 9.94A.700(4). The conditions may also include those provided for in  
17 RCW 9.94A.700(5). The court may also order the offender to participate  
18 in rehabilitative programs or otherwise perform affirmative conduct  
19 reasonably related to the circumstances of the offense, the offender's  
20 risk of reoffending, or the safety of the community, and the department  
21 and the board shall enforce such conditions pursuant to RCW 9.94A.713,  
22 9.95.425, and 9.95.430.

23 (ii) If the offense that caused the offender to be sentenced under  
24 this section was an offense listed in subsection (1)(a) of this section  
25 and the victim of the offense was under eighteen years of age at the  
26 time of the offense, the court shall, as a condition of community  
27 custody, prohibit the offender from residing in a community protection  
28 zone.

29 (b) For offenders who lack a fixed residence, the conditions of  
30 community custody shall include active electronic monitoring that  
31 monitors and identifies the offender's location and timely reports or  
32 records the offender's presence near or within a crime scene, a  
33 prohibited area, or the offender's departure from specified geographic  
34 limitations. This condition shall not be waived by the court.

35 (c) As part of any sentence under this section, the court shall  
36 also require the offender to comply with any conditions imposed by the  
37 board under RCW 9.94A.713 and 9.95.420 through 9.95.435.

1       **Sec. 6.** RCW 9.94A.712 and 2004 c 176 s 3 are each amended to read  
2 as follows:

3       (1) An offender who is not a persistent offender shall be sentenced  
4 under this section if the offender:

5       (a) Is convicted of:

6       (i) Rape in the first degree, rape in the second degree, rape of a  
7 child in the first degree, child molestation in the first degree, rape  
8 of a child in the second degree, or indecent liberties by forcible  
9 compulsion;

10       (ii) Any of the following offenses with a finding of sexual  
11 motivation: Murder in the first degree, murder in the second degree,  
12 homicide by abuse, kidnapping in the first degree, kidnapping in the  
13 second degree, assault in the first degree, assault in the second  
14 degree, assault of a child in the first degree, or burglary in the  
15 first degree; or

16       (iii) An attempt to commit any crime listed in this subsection  
17 (1)(a);  
18 committed on or after September 1, 2001; or

19       (b) Has a prior conviction for an offense listed in RCW  
20 9.94A.030(32)(b), and is convicted of any sex offense which was  
21 committed after September 1, 2001.

22       For purposes of this subsection (1)(b), failure to register is not  
23 a sex offense.

24       (2) An offender convicted of rape of a child in the first or second  
25 degree or child molestation in the first degree who was seventeen years  
26 of age or younger at the time of the offense shall not be sentenced  
27 under this section.

28       (3) Upon a finding that the offender is subject to sentencing under  
29 this section, the court shall impose a sentence to a maximum term  
30 consisting of the statutory maximum sentence for the offense and a  
31 minimum term either within the standard sentence range for the offense,  
32 or outside the standard sentence range pursuant to RCW 9.94A.535, if  
33 the offender is otherwise eligible for such a sentence.

34       (4) A person sentenced under subsection (3) of this section shall  
35 serve the sentence in a facility or institution operated, or utilized  
36 under contract, by the state.

37       (5) When a court sentences a person to the custody of the  
38 department under this section, the court shall, in addition to the

1 other terms of the sentence, sentence the offender to community custody  
2 under the supervision of the department and the authority of the board  
3 for any period of time the person is released from total confinement  
4 before the expiration of the maximum sentence.

5 (6)(a) Unless a condition is waived by the court, the conditions of  
6 community custody shall include those provided for in RCW 9.94A.700(4).  
7 The conditions may also include those provided for in RCW 9.94A.700(5).  
8 The court may also order the offender to participate in rehabilitative  
9 programs or otherwise perform affirmative conduct reasonably related to  
10 the circumstances of the offense, the offender's risk of reoffending,  
11 or the safety of the community, and the department and the board shall  
12 enforce such conditions pursuant to RCW 9.94A.713, 9.95.425, and  
13 9.95.430.

14 (b) For offenders who lack a fixed residence, the conditions of  
15 community custody shall include active electronic monitoring that  
16 monitors and identifies the offender's location and timely reports or  
17 records the offender's presence near or within a crime scene, a  
18 prohibited area, or the offender's departure from specified geographic  
19 limitations. This condition shall not be waived by the court.

20 (c) As part of any sentence under this section, the court shall  
21 also require the offender to comply with any conditions imposed by the  
22 board under RCW 9.94A.713 and 9.95.420 through 9.95.435.

23 **Sec. 7.** RCW 72.09.130 and 1995 1st sp.s. c 19 s 6 are each amended  
24 to read as follows:

25 (1) The department shall adopt, by rule, a system that clearly  
26 links an inmate's behavior and participation in available sex offender  
27 treatment, education and work programs with the receipt or denial of  
28 earned early release days and other privileges. The system shall  
29 include increases or decreases in the degree of liberty granted the  
30 inmate within the programs operated by the department, access to or  
31 withholding of privileges available within correctional institutions,  
32 and recommended increases or decreases in the number of earned early  
33 release days that an inmate can earn for good conduct and good  
34 performance.

35 (2) Earned early release days shall be recommended by the  
36 department as a reward for accomplishment. The system shall be fair,  
37 measurable, and understandable to offenders, staff, and the public. At

1 least once in each twelve-month period, the department shall inform the  
2 offender in writing as to his or her conduct and performance. This  
3 written evaluation shall include reasons for awarding or not awarding  
4 recommended earned early release days for good conduct and good  
5 performance. An inmate is not eligible to receive earned early release  
6 days during any time in which he or she refuses to participate in an  
7 available education or work program into which he or she has been  
8 placed under RCW 72.09.460.

9 (3) The department shall provide each offender in its custody a  
10 written description of the system created under this section.

11 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.09 RCW  
12 to read as follows:

13 An offender shall forfeit all earned early release time  
14 attributable to good conduct that was earned up to the time of the  
15 commission of the act, or forfeit such part of the earned early release  
16 time as the secretary considers just, if a state or federal court finds  
17 that the offender failed to participate in available sex offender  
18 treatment.

19 NEW SECTION. **Sec. 9.** A new section is added to chapter 9.92 RCW  
20 to read as follows:

21 An offender shall forfeit all earned early release time  
22 attributable to good behavior that was earned up to the time of the  
23 commission of the act, or forfeit such part of the earned early release  
24 time as the secretary considers just, if a state or federal court finds  
25 that the offender failed to participate in available sex offender  
26 treatment.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 59.18 RCW  
28 to read as follows:

29 A landlord who rents to a registered sex offender is immune from  
30 civil liability for damages caused by the tenant.

31 NEW SECTION. **Sec. 11.** Section 2 of this act expires September 1,  
32 2006.

1        NEW SECTION.   **Sec. 12.**   Section 3 of this act takes effect  
2   September 1, 2006.

3        NEW SECTION.   **Sec. 13.**   Section 5 of this act expires July 1, 2006.

4        NEW SECTION.   **Sec. 14.**   Section 6 of this act takes effect July 1,  
5   2006.

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