
SUBSTITUTE SENATE BILL 6775

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Rasmussen and McAuliffe; by request of Attorney General)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to criminal trespass against children by sex
2 offenders; reenacting and amending RCW 9.94A.515; adding new sections
3 to chapter 9A.44 RCW; creating a new section; prescribing penalties;
4 and declaring an emergency.

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

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

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

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

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

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

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

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

8 (5) "Covered offender" means a person who is eighteen years of age
9 or older, who is not under the jurisdiction of the juvenile
10 rehabilitation authority or currently serving a special sex offender
11 disposition alternative, whose risk level classification has been
12 assessed at a risk level II or a risk level III pursuant to RCW
13 72.09.345, and who, at any time, has been convicted of one or more of
14 the following offenses:

15 (a) Rape of a child in the first, second, and third degree; child
16 molestation in the first, second, and third degree; indecent liberties
17 against a child under age fourteen; sexual misconduct with a minor in
18 the first and second degree; incest in the first and second degree;
19 luring with sexual motivation; possession of depictions of minors
20 engaged in sexually explicit conduct; dealing in depictions of minors
21 engaged in sexually explicit conduct; bringing into the state
22 depictions of minors engaged in sexually explicit conduct; sexual
23 exploitation of a minor; communicating with a minor for immoral
24 purposes; patronizing a juvenile prostitute;

25 (b) Indecent liberties against a child under age fifteen; statutory
26 rape in the first and second degree; carnal knowledge;

27 (c) Any felony offense for which:

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

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

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

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

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

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

6 (a) The covered offender must leave the legal premises of the
7 covered entity and may not return without the written permission of the
8 covered entity; and

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

13 (2) An owner, employee, or agent of a covered entity shall be
14 immune from civil liability for damages arising from ejecting covered
15 offenders from a covered entity.

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

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

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

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

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

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

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

29 TABLE 2

30 CRIMES INCLUDED WITHIN
31 EACH SERIOUSNESS LEVEL

32 XVI Aggravated Murder 1 (RCW
33 10.95.020)

34 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 Rendering Criminal Assistance 1
33 (RCW 9A.76.070)
34 Sexual Misconduct with a Minor 1
35 (RCW 9A.44.093)
36 Sexually Violating Human Remains
37 (RCW 9A.44.105)

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

1 Robbery 2 (RCW 9A.56.210)
2 Theft of Livestock 1 (RCW 9A.56.080)
3 Threats to Bomb (RCW 9.61.160)
4 Trafficking in Stolen Property 1 (RCW
5 9A.82.050)
6 Unlawful factoring of a credit card or
7 payment card transaction (RCW
8 9A.56.290(4)(b))
9 Unlawful transaction of health
10 coverage as a health care service
11 contractor (RCW 48.44.016(3))
12 Unlawful transaction of health
13 coverage as a health maintenance
14 organization (RCW 48.46.033(3))
15 Unlawful transaction of insurance
16 business (RCW 48.15.023(3))
17 Unlicensed practice as an insurance
18 professional (RCW 48.17.063(3))
19 Use of Proceeds of Criminal
20 Profiteering (RCW 9A.82.080 (1)
21 and (2))
22 Vehicular Assault, by being under the
23 influence of intoxicating liquor or
24 any drug, or by the operation or
25 driving of a vehicle in a reckless
26 manner (RCW 46.61.522)
27 Willful Failure to Return from
28 Furlough (RCW 72.66.060)
29 III Abandonment of dependent person 2
30 (RCW 9A.42.070)
31 Assault 3 (Except Assault 3 of a Peace
32 Officer With a Projectile Stun
33 Gun) (RCW 9A.36.031 except
34 subsection (1)(h))
35 Assault of a Child 3 (RCW 9A.36.140)
36 Bail Jumping with class B or C Felony
37 (RCW 9A.76.170(3)(c))

1 Burglary 2 (RCW 9A.52.030)
2 Communication with a Minor for
3 Immoral Purposes (RCW
4 9.68A.090)
5 Criminal Gang Intimidation (RCW
6 9A.46.120)
7 Criminal Mistreatment 2 (RCW
8 9A.42.030)
9 Custodial Assault (RCW 9A.36.100)
10 Cyberstalking (subsequent conviction
11 or threat of death) (RCW
12 9.61.260(3))
13 Escape 2 (RCW 9A.76.120)
14 Extortion 2 (RCW 9A.56.130)
15 Harassment (RCW 9A.46.020)
16 Intimidating a Public Servant (RCW
17 9A.76.180)
18 Introducing Contraband 2 (RCW
19 9A.76.150)
20 Malicious Injury to Railroad Property
21 (RCW 81.60.070)
22 Negligently Causing Substantial Bodily
23 Harm By Use of a Signal
24 Preemption Device (RCW
25 46.37.674)
26 Patronizing a Juvenile Prostitute
27 (RCW 9.68A.100)
28 Perjury 2 (RCW 9A.72.030)
29 Possession of Incendiary Device (RCW
30 9.40.120)
31 Possession of Machine Gun or Short-
32 Barreled Shotgun or Rifle (RCW
33 9.41.190)
34 Promoting Prostitution 2 (RCW
35 9A.88.080)
36 Securities Act violation (RCW
37 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 NEW SECTION. **Sec. 6.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

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