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HOUSE BILL 2728

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Eddy, McDonald, Ericks, Warnick, Lias, Walsh, Schindler, Loomis, Hurst, Morrell, Kenney, Williams, Simpson, VanDeWege, O'Brien, and Kelley

Read first time 01/16/08. Referred to Committee on Public Safety & Emergency Preparedness.

1            AN ACT Relating to requiring sex offender registration for  
2 misdemeanor and gross misdemeanor-level indecent exposure when there  
3 has been a finding of sexual motivation; amending RCW 9A.88.010; and  
4 reenacting and amending RCW 9A.44.130.

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

6            **Sec. 1.** RCW 9A.88.010 and 2003 c 53 s 92 are each amended to read  
7 as follows:

8            (1) A person is guilty of indecent exposure if he or she  
9 intentionally makes any open and obscene exposure of his or her person  
10 or the person of another knowing that such conduct is likely to cause  
11 reasonable affront or alarm. The act of breastfeeding or expressing  
12 breast milk is not indecent exposure.

13            (2)(a) Except as provided in (b) and (c) of this subsection,  
14 indecent exposure is a misdemeanor.

15            (b) Indecent exposure is a gross misdemeanor on the first offense  
16 if the person exposes himself or herself to a person under the age of  
17 fourteen years.

18            (c) Indecent exposure is a class C felony if the person has

1 previously been convicted under this section or of a sex offense as  
2 defined in RCW 9.94A.030.

3 (3)(a) In a prosecution under subsection (2)(a) or (b) of this  
4 section, the prosecuting attorney shall file a special allegation of  
5 sexual motivation under RCW 9.94A.835 when sufficient admissible  
6 evidence exists, which, when considered with the most plausible,  
7 reasonably foreseeable defense that could be raised under the evidence,  
8 would justify a finding of sexual motivation by a reasonable and  
9 objective fact-finder.

10 (b) Once a special allegation has been made under this section, the  
11 prosecution has the burden to prove beyond a reasonable doubt that the  
12 defendant committed the offense with sexual motivation. If a jury is  
13 had, the jury shall, if it finds the defendant guilty, also find a  
14 special verdict as to whether the defendant committed the offense with  
15 sexual motivation. If no jury is had, the court shall make a finding  
16 of fact as to whether the defendant committed the offense with sexual  
17 motivation.

18 (c) The prosecuting attorney shall not withdraw a special  
19 allegation filed under this section without the approval of the court  
20 through an order of dismissal of the allegation. The court may not  
21 dismiss the special allegation unless it finds that the order is  
22 necessary to correct an error in the initial charging decision or that  
23 there are evidentiary problems that make proving the special allegation  
24 doubtful.

25 (d) A person convicted under subsection (2)(a) or (b) of this  
26 section with a finding of sexual motivation shall register as a sex  
27 offender under RCW 9A.44.130.

28 (e) Nothing in this subsection affects the prosecuting attorney's  
29 ability to file a special allegation under RCW 9.94A.835 for felony  
30 violations of this section or the duty of a person convicted under  
31 subsection (2)(c) of this section with a finding of sexual motivation  
32 to register as a sex offender under RCW 9A.44.130.

33 (4) For purposes of this section, "sexual motivation" has the same  
34 meaning as in RCW 9.94A.030.

35 **Sec. 2.** RCW 9A.44.130 and 2006 c 129 s 2, 2006 c 128 s 2, 2006 c  
36 127 s 2, and 2006 c 126 s 2 are each reenacted and amended to read as  
37 follows:

1           (1)(a) Any adult or juvenile residing whether or not the person has  
2 a fixed residence, or who is a student, is employed, or carries on a  
3 vocation in this state who has been found to have committed or has been  
4 convicted of any sex offense or kidnapping offense, or who has been  
5 found not guilty by reason of insanity under chapter 10.77 RCW of  
6 committing any sex offense or kidnapping offense, shall register with  
7 the county sheriff for the county of the person's residence, or if the  
8 person is not a resident of Washington, the county of the person's  
9 school, or place of employment or vocation, or as otherwise specified  
10 in this section. Where a person required to register under this  
11 section is in custody of the state department of corrections, the state  
12 department of social and health services, a local division of youth  
13 services, or a local jail or juvenile detention facility as a result of  
14 a sex offense or kidnapping offense, the person shall also register at  
15 the time of release from custody with an official designated by the  
16 agency that has jurisdiction over the person.

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

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

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

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

35           (iv) Whose enrollment or employment at a public or private  
36 institution of higher education is terminated shall, within ten days of  
37 such termination, notify the sheriff for the county of the person's

1 residence of the person's termination of enrollment or employment at  
2 the institution.

3 (c) Persons required to register under this section who are  
4 enrolled in a public or private institution of higher education on June  
5 11, 1998, or a public or private school regulated under Title 28A RCW  
6 or chapter 72.40 RCW on September 1, 2006, must notify the county  
7 sheriff immediately.

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

12 (e)(i) A principal receiving notice under this subsection must  
13 disclose the information received from the sheriff under (b) of this  
14 subsection as follows:

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

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

26 (ii) Any information received by a principal or school personnel  
27 under this subsection is confidential and may not be further  
28 disseminated except as provided in RCW 28A.225.330, other statutes or  
29 case law, and the family and educational and privacy rights act of  
30 1994, 20 U.S.C. Sec. 1232g et seq.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

16 (7) All offenders who are required to register pursuant to this  
17 section who have a fixed residence and who are designated as a risk  
18 level II or III must report, in person, every ninety days to the  
19 sheriff of the county where he or she is registered. Reporting shall  
20 be on a day specified by the county sheriff's office, and shall occur  
21 during normal business hours. An offender who complies with the  
22 ninety-day reporting requirement with no violations for a period of at  
23 least five years in the community may petition the superior court to be  
24 relieved of the duty to report every ninety days. The petition shall  
25 be made to the superior court in the county where the offender resides  
26 or reports under this section. The prosecuting attorney of the county  
27 shall be named and served as respondent in any such petition. The  
28 court shall relieve the petitioner of the duty to report if the  
29 petitioner shows, by a preponderance of the evidence, that the  
30 petitioner has complied with the reporting requirement for a period of  
31 at least five years and that the offender has not been convicted of a  
32 criminal violation of this section for a period of at least five years,  
33 and the court determines that the reporting no longer serves a public  
34 safety purpose. Failure to report, as specified, constitutes a  
35 violation of this section and is punishable as provided in subsection  
36 (11) of this section.

37 (8) A sex offender subject to registration requirements under this  
38 section who applies to change his or her name under RCW 4.24.130 or any

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

15 (9) The county sheriff shall obtain a photograph of the individual  
16 and shall obtain a copy of the individual's fingerprints. A photograph  
17 may be taken at any time to update an individual's file.

18 (10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,  
19 70.48.470, and 72.09.330:

20 (a) "Sex offense" means:

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

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

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

26 (iv) Any violation under RCW 9A.88.010(2) (a) or (b) (indecent  
27 exposure) with a finding of sexual motivation;

28 (v) Any federal or out-of-state conviction for an offense that  
29 under the laws of this state would be classified as a sex offense under  
30 this subsection; and

31 ~~((+v))~~ (vi) Any gross misdemeanor that is, under chapter 9A.28  
32 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy  
33 to commit an offense that is classified as a sex offense under RCW  
34 9.94A.030 or this subsection.

35 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
36 the first degree, kidnapping in the second degree, and unlawful  
37 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
38 minor and the offender is not the minor's parent; (ii) any offense that

1 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
2 or criminal conspiracy to commit an offense that is classified as a  
3 kidnapping offense under this subsection (10)(b); and (iii) any federal  
4 or out-of-state conviction for an offense that under the laws of this  
5 state would be classified as a kidnapping offense under this subsection  
6 (10)(b).

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

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

17 (11)(a) A person who knowingly fails to comply with any of the  
18 requirements of this section is guilty of a class C felony if the crime  
19 for which the individual was convicted was a felony sex offense as  
20 defined in subsection (10)(a) of this section or a federal or out-of-  
21 state conviction for an offense that under the laws of this state would  
22 be a felony sex offense as defined in subsection (10)(a) of this  
23 section.

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

28 (12)(a) A person who knowingly fails to comply with any of the  
29 requirements of this section is guilty of a class C felony if the crime  
30 for which the individual was convicted was a felony kidnapping offense  
31 as defined in subsection (10)(b) of this section or a federal or out-  
32 of-state conviction for an offense that under the laws of this state  
33 would be a felony kidnapping offense as defined in subsection (10)(b)  
34 of this section.

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

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

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