

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 2714

60th Legislature
2008 Regular Session

Passed by the House March 12, 2008
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 11, 2008
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2714** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 2714

AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By House Appropriations (originally sponsored by Representatives Loomis, Hurst, Lantz, Upthegrove, Conway, Simpson, VanDeWege, and Kelley)

READ FIRST TIME 02/06/08.

1 AN ACT Relating to making failure to register as a sex offender or
2 kidnapping offender a class B felony; amending RCW 13.40.0357;
3 reenacting and amending RCW 9A.44.130 and 9.94A.030; creating a new
4 section; prescribing penalties; and providing an effective date.

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

6 **Sec. 1.** RCW 9A.44.130 and 2006 c 129 s 2, 2006 c 128 s 2, 2006 c
7 127 s 2, and 2006 c 126 s 2 are each reenacted and amended to read as
8 follows:

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

1 department of social and health services, a local division of youth
2 services, or a local jail or juvenile detention facility as a result of
3 a sex offense or kidnapping offense, the person shall also register at
4 the time of release from custody with an official designated by the
5 agency that has jurisdiction over the person.

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

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

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

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

24 (iv) Whose enrollment or employment at a public or private
25 institution of higher education is terminated shall, within ten days of
26 such termination, notify the sheriff for the county of the person's
27 residence of the person's termination of enrollment or employment at
28 the institution.

29 (c) Persons required to register under this section who are
30 enrolled in a public or private institution of higher education on June
31 11, 1998, or a public or private school regulated under Title 28A RCW
32 or chapter 72.40 RCW on September 1, 2006, must notify the county
33 sheriff immediately.

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

1 (e)(i) A principal receiving notice under this subsection must
2 disclose the information received from the sheriff under (b) of this
3 subsection as follows:

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

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

15 (ii) Any information received by a principal or school personnel
16 under this subsection is confidential and may not be further
17 disseminated except as provided in RCW 28A.225.330, other statutes or
18 case law, and the family and educational and privacy rights act of
19 1994, 20 U.S.C. Sec. 1232g et seq.

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

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

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

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

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

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

33 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
34 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
35 but are under the jurisdiction of the indeterminate sentence review
36 board or under the department of corrections' active supervision, as
37 defined by the department of corrections, the state department of
38 social and health services, or a local division of youth services, for

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

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

1 Washington, the county of the person's school, or place of employment
2 or vocation. The obligation to register shall only cease pursuant to
3 RCW 9A.44.140.

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

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

35 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
36 or juvenile who has been found not guilty by reason of insanity under
37 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
38 February 28, 1990, and who, on or after July 23, 1995, is in custody,

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

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

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

33 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
34 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,
35 who move to another state, or who work, carry on a vocation, or attend
36 school in another state shall register a new address, fingerprints, and
37 photograph with the new state within ten days after establishing
38 residence, or after beginning to work, carry on a vocation, or attend

1 school in the new state. The person must also send written notice
2 within ten days of moving to the new state or to a foreign country to
3 the county sheriff with whom the person last registered in Washington
4 state. The county sheriff shall promptly forward this information to
5 the Washington state patrol.

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

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

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

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

1 information concerning the change of address to the county sheriff for
2 the county of the person's new residence. Upon receipt of notice of
3 change of address to a new state, the county sheriff shall promptly
4 forward the information regarding the change of address to the agency
5 designated by the new state as the state's offender registration
6 agency.

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

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

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

35 (c) If any person required to register pursuant to this section
36 does not have a fixed residence, it is an affirmative defense to the
37 charge of failure to register, that he or she provided written notice
38 to the sheriff of the county where he or she last registered within

1 forty-eight hours excluding weekends and holidays after ceasing to have
2 a fixed residence and has subsequently complied with the requirements
3 of subsections (4)(a)(vii) or (viii) and (6) of this section. To
4 prevail, the person must prove the defense by a preponderance of the
5 evidence.

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

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

1 section who receives an order changing his or her name shall submit a
2 copy of the order to the county sheriff of the county of the person's
3 residence and to the state patrol within five days of the entry of the
4 order.

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

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

10 (a) "Sex offense" means:

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

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

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

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

19 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
20 criminal attempt, criminal solicitation, or criminal conspiracy to
21 commit an offense that is classified as a sex offense under RCW
22 9.94A.030 or this subsection.

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

33 (c) "Employed" or "carries on a vocation" means employment that is
34 full-time or part-time for a period of time exceeding fourteen days, or
35 for an aggregate period of time exceeding thirty days during any
36 calendar year. A person is employed or carries on a vocation whether
37 the person's employment is financially compensated, volunteered, or for
38 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 (11)(a) A person who knowingly fails to comply with any of the
6 requirements of this section is guilty of a class ((C)) B felony if the
7 crime for which the individual was convicted was a felony sex offense
8 as defined in subsection (10)(a) of this section or a federal or out-
9 of-state conviction for an offense that under the laws of this state
10 would be a felony sex offense as defined in subsection (10)(a) of this
11 section.

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

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

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

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

31 **Sec. 2.** RCW 9.94A.030 and 2006 c 139 s 5, 2006 c 124 s 1, 2006 c
32 122 s 7, 2006 c 73 s 5, and 2005 c 436 s 1 are each reenacted and
33 amended to read as follows:

34 Unless the context clearly requires otherwise, the definitions in
35 this section apply throughout this chapter.

36 (1) "Board" means the indeterminate sentence review board created
37 under chapter 9.95 RCW.

1 (2) "Collect," or any derivative thereof, "collect and remit," or
2 "collect and deliver," when used with reference to the department,
3 means that the department, either directly or through a collection
4 agreement authorized by RCW 9.94A.760, is responsible for monitoring
5 and enforcing the offender's sentence with regard to the legal
6 financial obligation, receiving payment thereof from the offender, and,
7 consistent with current law, delivering daily the entire payment to the
8 superior court clerk without depositing it in a departmental account.

9 (3) "Commission" means the sentencing guidelines commission.

10 (4) "Community corrections officer" means an employee of the
11 department who is responsible for carrying out specific duties in
12 supervision of sentenced offenders and monitoring of sentence
13 conditions.

14 (5) "Community custody" means that portion of an offender's
15 sentence of confinement in lieu of earned release time or imposed
16 pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670,
17 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the
18 community subject to controls placed on the offender's movement and
19 activities by the department. For offenders placed on community
20 custody for crimes committed on or after July 1, 2000, the department
21 shall assess the offender's risk of reoffense and may establish and
22 modify conditions of community custody, in addition to those imposed by
23 the court, based upon the risk to community safety.

24 (6) "Community custody range" means the minimum and maximum period
25 of community custody included as part of a sentence under RCW
26 9.94A.715, as established by the commission or the legislature under
27 RCW 9.94A.850, for crimes committed on or after July 1, 2000.

28 (7) "Community placement" means that period during which the
29 offender is subject to the conditions of community custody and/or
30 postrelease supervision, which begins either upon completion of the
31 term of confinement (postrelease supervision) or at such time as the
32 offender is transferred to community custody in lieu of earned release.
33 Community placement may consist of entirely community custody, entirely
34 postrelease supervision, or a combination of the two.

35 (8) "Community protection zone" means the area within eight hundred
36 eighty feet of the facilities and grounds of a public or private
37 school.

1 (9) "Community restitution" means compulsory service, without
2 compensation, performed for the benefit of the community by the
3 offender.

4 (10) "Community supervision" means a period of time during which a
5 convicted offender is subject to crime-related prohibitions and other
6 sentence conditions imposed by a court pursuant to this chapter or RCW
7 16.52.200(6) or 46.61.524. Where the court finds that any offender has
8 a chemical dependency that has contributed to his or her offense, the
9 conditions of supervision may, subject to available resources, include
10 treatment. For purposes of the interstate compact for out-of-state
11 supervision of parolees and probationers, RCW 9.95.270, community
12 supervision is the functional equivalent of probation and should be
13 considered the same as probation by other states.

14 (11) "Confinement" means total or partial confinement.

15 (12) "Conviction" means an adjudication of guilt pursuant to Titles
16 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and
17 acceptance of a plea of guilty.

18 (13) "Crime-related prohibition" means an order of a court
19 prohibiting conduct that directly relates to the circumstances of the
20 crime for which the offender has been convicted, and shall not be
21 construed to mean orders directing an offender affirmatively to
22 participate in rehabilitative programs or to otherwise perform
23 affirmative conduct. However, affirmative acts necessary to monitor
24 compliance with the order of a court may be required by the department.

25 (14) "Criminal history" means the list of a defendant's prior
26 convictions and juvenile adjudications, whether in this state, in
27 federal court, or elsewhere.

28 (a) The history shall include, where known, for each conviction (i)
29 whether the defendant has been placed on probation and the length and
30 terms thereof; and (ii) whether the defendant has been incarcerated and
31 the length of incarceration.

32 (b) A conviction may be removed from a defendant's criminal history
33 only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or
34 a similar out-of-state statute, or if the conviction has been vacated
35 pursuant to a governor's pardon.

36 (c) The determination of a defendant's criminal history is distinct
37 from the determination of an offender score. A prior conviction that

1 was not included in an offender score calculated pursuant to a former
2 version of the sentencing reform act remains part of the defendant's
3 criminal history.

4 (15) "Day fine" means a fine imposed by the sentencing court that
5 equals the difference between the offender's net daily income and the
6 reasonable obligations that the offender has for the support of the
7 offender and any dependents.

8 (16) "Day reporting" means a program of enhanced supervision
9 designed to monitor the offender's daily activities and compliance with
10 sentence conditions, and in which the offender is required to report
11 daily to a specific location designated by the department or the
12 sentencing court.

13 (17) "Department" means the department of corrections.

14 (18) "Determinate sentence" means a sentence that states with
15 exactitude the number of actual years, months, or days of total
16 confinement, of partial confinement, of community supervision, the
17 number of actual hours or days of community restitution work, or
18 dollars or terms of a legal financial obligation. The fact that an
19 offender through earned release can reduce the actual period of
20 confinement shall not affect the classification of the sentence as a
21 determinate sentence.

22 (19) "Disposable earnings" means that part of the earnings of an
23 offender remaining after the deduction from those earnings of any
24 amount required by law to be withheld. For the purposes of this
25 definition, "earnings" means compensation paid or payable for personal
26 services, whether denominated as wages, salary, commission, bonuses, or
27 otherwise, and, notwithstanding any other provision of law making the
28 payments exempt from garnishment, attachment, or other process to
29 satisfy a court-ordered legal financial obligation, specifically
30 includes periodic payments pursuant to pension or retirement programs,
31 or insurance policies of any type, but does not include payments made
32 under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050,
33 or Title 74 RCW.

34 (20) "Drug offender sentencing alternative" is a sentencing option
35 available to persons convicted of a felony offense other than a violent
36 offense or a sex offense and who are eligible for the option under RCW
37 9.94A.660.

38 (21) "Drug offense" means:

1 (a) Any felony violation of chapter 69.50 RCW except possession of
2 a controlled substance (RCW 69.50.4013) or forged prescription for a
3 controlled substance (RCW 69.50.403);

4 (b) Any offense defined as a felony under federal law that relates
5 to the possession, manufacture, distribution, or transportation of a
6 controlled substance; or

7 (c) Any out-of-state conviction for an offense that under the laws
8 of this state would be a felony classified as a drug offense under (a)
9 of this subsection.

10 (22) "Earned release" means earned release from confinement as
11 provided in RCW 9.94A.728.

12 (23) "Escape" means:

13 (a) Sexually violent predator escape (RCW 9A.76.115), escape in the
14 first degree (RCW 9A.76.110), escape in the second degree (RCW
15 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
16 willful failure to return from work release (RCW 72.65.070), or willful
17 failure to be available for supervision by the department while in
18 community custody (RCW 72.09.310); or

19 (b) Any federal or out-of-state conviction for an offense that
20 under the laws of this state would be a felony classified as an escape
21 under (a) of this subsection.

22 (24) "Felony traffic offense" means:

23 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
24 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
25 run injury-accident (RCW 46.52.020(4)), felony driving while under the
26 influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or
27 felony physical control of a vehicle while under the influence of
28 intoxicating liquor or any drug (RCW 46.61.504(6)); or

29 (b) Any federal or out-of-state conviction for an offense that
30 under the laws of this state would be a felony classified as a felony
31 traffic offense under (a) of this subsection.

32 (25) "Fine" means a specific sum of money ordered by the sentencing
33 court to be paid by the offender to the court over a specific period of
34 time.

35 (26) "First-time offender" means any person who has no prior
36 convictions for a felony and is eligible for the first-time offender
37 waiver under RCW 9.94A.650.

1 (27) "Home detention" means a program of partial confinement
2 available to offenders wherein the offender is confined in a private
3 residence subject to electronic surveillance.

4 (28) "Legal financial obligation" means a sum of money that is
5 ordered by a superior court of the state of Washington for legal
6 financial obligations which may include restitution to the victim,
7 statutorily imposed crime victims' compensation fees as assessed
8 pursuant to RCW 7.68.035, court costs, county or interlocal drug funds,
9 court-appointed attorneys' fees, and costs of defense, fines, and any
10 other financial obligation that is assessed to the offender as a result
11 of a felony conviction. Upon conviction for vehicular assault while
12 under the influence of intoxicating liquor or any drug, RCW
13 46.61.522(1)(b), or vehicular homicide while under the influence of
14 intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial
15 obligations may also include payment to a public agency of the expense
16 of an emergency response to the incident resulting in the conviction,
17 subject to RCW 38.52.430.

18 (29) "Most serious offense" means any of the following felonies or
19 a felony attempt to commit any of the following felonies:

20 (a) Any felony defined under any law as a class A felony or
21 criminal solicitation of or criminal conspiracy to commit a class A
22 felony;

23 (b) Assault in the second degree;

24 (c) Assault of a child in the second degree;

25 (d) Child molestation in the second degree;

26 (e) Controlled substance homicide;

27 (f) Extortion in the first degree;

28 (g) Incest when committed against a child under age fourteen;

29 (h) Indecent liberties;

30 (i) Kidnapping in the second degree;

31 (j) Leading organized crime;

32 (k) Manslaughter in the first degree;

33 (l) Manslaughter in the second degree;

34 (m) Promoting prostitution in the first degree;

35 (n) Rape in the third degree;

36 (o) Robbery in the second degree;

37 (p) Sexual exploitation;

1 (q) Vehicular assault, when caused by the operation or driving of
2 a vehicle by a person while under the influence of intoxicating liquor
3 or any drug or by the operation or driving of a vehicle in a reckless
4 manner;

5 (r) Vehicular homicide, when proximately caused by the driving of
6 any vehicle by any person while under the influence of intoxicating
7 liquor or any drug as defined by RCW 46.61.502, or by the operation of
8 any vehicle in a reckless manner;

9 (s) Any other class B felony offense with a finding of sexual
10 motivation;

11 (t) Any other felony with a deadly weapon verdict under RCW
12 9.94A.602;

13 (u) Any felony offense in effect at any time prior to December 2,
14 1993, that is comparable to a most serious offense under this
15 subsection, or any federal or out-of-state conviction for an offense
16 that under the laws of this state would be a felony classified as a
17 most serious offense under this subsection;

18 (v)(i) A prior conviction for indecent liberties under RCW
19 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess.
20 as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as
21 it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)
22 (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

23 (ii) A prior conviction for indecent liberties under RCW
24 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
25 if: (A) The crime was committed against a child under the age of
26 fourteen; or (B) the relationship between the victim and perpetrator is
27 included in the definition of indecent liberties under RCW
28 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997,
29 or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993,
30 through July 27, 1997.

31 (30) "Nonviolent offense" means an offense which is not a violent
32 offense.

33 (31) "Offender" means a person who has committed a felony
34 established by state law and is eighteen years of age or older or is
35 less than eighteen years of age but whose case is under superior court
36 jurisdiction under RCW 13.04.030 or has been transferred by the
37 appropriate juvenile court to a criminal court pursuant to RCW

1 13.40.110. Throughout this chapter, the terms "offender" and
2 "defendant" are used interchangeably.

3 (32) "Partial confinement" means confinement for no more than one
4 year in a facility or institution operated or utilized under contract
5 by the state or any other unit of government, or, if home detention or
6 work crew has been ordered by the court, in an approved residence, for
7 a substantial portion of each day with the balance of the day spent in
8 the community. Partial confinement includes work release, home
9 detention, work crew, and a combination of work crew and home
10 detention.

11 (33) "Persistent offender" is an offender who:

12 (a)(i) Has been convicted in this state of any felony considered a
13 most serious offense; and

14 (ii) Has, before the commission of the offense under (a) of this
15 subsection, been convicted as an offender on at least two separate
16 occasions, whether in this state or elsewhere, of felonies that under
17 the laws of this state would be considered most serious offenses and
18 would be included in the offender score under RCW 9.94A.525; provided
19 that of the two or more previous convictions, at least one conviction
20 must have occurred before the commission of any of the other most
21 serious offenses for which the offender was previously convicted; or

22 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
23 of a child in the first degree, child molestation in the first degree,
24 rape in the second degree, rape of a child in the second degree, or
25 indecent liberties by forcible compulsion; (B) any of the following
26 offenses with a finding of sexual motivation: Murder in the first
27 degree, murder in the second degree, homicide by abuse, kidnapping in
28 the first degree, kidnapping in the second degree, assault in the first
29 degree, assault in the second degree, assault of a child in the first
30 degree, assault of a child in the second degree, or burglary in the
31 first degree; or (C) an attempt to commit any crime listed in this
32 subsection (33)(b)(i); and

33 (ii) Has, before the commission of the offense under (b)(i) of this
34 subsection, been convicted as an offender on at least one occasion,
35 whether in this state or elsewhere, of an offense listed in (b)(i) of
36 this subsection or any federal or out-of-state offense or offense under
37 prior Washington law that is comparable to the offenses listed in
38 (b)(i) of this subsection. A conviction for rape of a child in the

1 first degree constitutes a conviction under (b)(i) of this subsection
2 only when the offender was sixteen years of age or older when the
3 offender committed the offense. A conviction for rape of a child in
4 the second degree constitutes a conviction under (b)(i) of this
5 subsection only when the offender was eighteen years of age or older
6 when the offender committed the offense.

7 (34) "Postrelease supervision" is that portion of an offender's
8 community placement that is not community custody.

9 (35) "Predatory" means: (a) The perpetrator of the crime was a
10 stranger to the victim, as defined in this section; (b) the perpetrator
11 established or promoted a relationship with the victim prior to the
12 offense and the victimization of the victim was a significant reason
13 the perpetrator established or promoted the relationship; or (c) the
14 perpetrator was: (i) A teacher, counselor, volunteer, or other person
15 in authority in any public or private school and the victim was a
16 student of the school under his or her authority or supervision. For
17 purposes of this subsection, "school" does not include home-based
18 instruction as defined in RCW 28A.225.010; (ii) a coach, trainer,
19 volunteer, or other person in authority in any recreational activity
20 and the victim was a participant in the activity under his or her
21 authority or supervision; or (iii) a pastor, elder, volunteer, or other
22 person in authority in any church or religious organization, and the
23 victim was a member or participant of the organization under his or her
24 authority.

25 (36) "Private school" means a school regulated under chapter
26 28A.195 or 28A.205 RCW.

27 (37) "Public school" has the same meaning as in RCW 28A.150.010.

28 (38) "Restitution" means a specific sum of money ordered by the
29 sentencing court to be paid by the offender to the court over a
30 specified period of time as payment of damages. The sum may include
31 both public and private costs.

32 (39) "Risk assessment" means the application of an objective
33 instrument supported by research and adopted by the department for the
34 purpose of assessing an offender's risk of reoffense, taking into
35 consideration the nature of the harm done by the offender, place and
36 circumstances of the offender related to risk, the offender's
37 relationship to any victim, and any information provided to the

1 department by victims. The results of a risk assessment shall not be
2 based on unconfirmed or unconfirmable allegations.

3 (40) "Serious traffic offense" means:

4 (a) Nonfelony driving while under the influence of intoxicating
5 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
6 while under the influence of intoxicating liquor or any drug (RCW
7 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
8 attended vehicle (RCW 46.52.020(5)); or

9 (b) Any federal, out-of-state, county, or municipal conviction for
10 an offense that under the laws of this state would be classified as a
11 serious traffic offense under (a) of this subsection.

12 (41) "Serious violent offense" is a subcategory of violent offense
13 and means:

14 (a)(i) Murder in the first degree;

15 (ii) Homicide by abuse;

16 (iii) Murder in the second degree;

17 (iv) Manslaughter in the first degree;

18 (v) Assault in the first degree;

19 (vi) Kidnapping in the first degree;

20 (vii) Rape in the first degree;

21 (viii) Assault of a child in the first degree; or

22 (ix) An attempt, criminal solicitation, or criminal conspiracy to
23 commit one of these felonies; or

24 (b) Any federal or out-of-state conviction for an offense that
25 under the laws of this state would be a felony classified as a serious
26 violent offense under (a) of this subsection.

27 (42) "Sex offense" means:

28 (a)(i) A felony that is a violation of chapter 9A.44 RCW other than
29 RCW 9A.44.130(~~((11))~~) (12);

30 (ii) A violation of RCW 9A.64.020;

31 (iii) A felony that is a violation of chapter 9.68A RCW other than
32 RCW 9.68A.080; or

33 (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt,
34 criminal solicitation, or criminal conspiracy to commit such crimes;

35 (b) Any conviction for a felony offense in effect at any time prior
36 to July 1, 1976, that is comparable to a felony classified as a sex
37 offense in (a) of this subsection;

1 (c) A felony with a finding of sexual motivation under RCW
2 9.94A.835 or 13.40.135; or

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

6 (43) "Sexual motivation" means that one of the purposes for which
7 the defendant committed the crime was for the purpose of his or her
8 sexual gratification.

9 (44) "Standard sentence range" means the sentencing court's
10 discretionary range in imposing a nonappealable sentence.

11 (45) "Statutory maximum sentence" means the maximum length of time
12 for which an offender may be confined as punishment for a crime as
13 prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the
14 crime, or other statute defining the maximum penalty for a crime.

15 (46) "Stranger" means that the victim did not know the offender
16 twenty-four hours before the offense.

17 (47) "Total confinement" means confinement inside the physical
18 boundaries of a facility or institution operated or utilized under
19 contract by the state or any other unit of government for twenty-four
20 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

21 (48) "Transition training" means written and verbal instructions
22 and assistance provided by the department to the offender during the
23 two weeks prior to the offender's successful completion of the work
24 ethic camp program. The transition training shall include instructions
25 in the offender's requirements and obligations during the offender's
26 period of community custody.

27 (49) "Victim" means any person who has sustained emotional,
28 psychological, physical, or financial injury to person or property as
29 a direct result of the crime charged.

30 (50) "Violent offense" means:

31 (a) Any of the following felonies:

32 (i) Any felony defined under any law as a class A felony or an
33 attempt to commit a class A felony;

34 (ii) Criminal solicitation of or criminal conspiracy to commit a
35 class A felony;

36 (iii) Manslaughter in the first degree;

37 (iv) Manslaughter in the second degree;

38 (v) Indecent liberties if committed by forcible compulsion;

- 1 (vi) Kidnapping in the second degree;
- 2 (vii) Arson in the second degree;
- 3 (viii) Assault in the second degree;
- 4 (ix) Assault of a child in the second degree;
- 5 (x) Extortion in the first degree;
- 6 (xi) Robbery in the second degree;
- 7 (xii) Drive-by shooting;
- 8 (xiii) Vehicular assault, when caused by the operation or driving
- 9 of a vehicle by a person while under the influence of intoxicating
- 10 liquor or any drug or by the operation or driving of a vehicle in a
- 11 reckless manner; and
- 12 (xiv) Vehicular homicide, when proximately caused by the driving of
- 13 any vehicle by any person while under the influence of intoxicating
- 14 liquor or any drug as defined by RCW 46.61.502, or by the operation of
- 15 any vehicle in a reckless manner;
- 16 (b) Any conviction for a felony offense in effect at any time prior
- 17 to July 1, 1976, that is comparable to a felony classified as a violent
- 18 offense in (a) of this subsection; and
- 19 (c) Any federal or out-of-state conviction for an offense that
- 20 under the laws of this state would be a felony classified as a violent
- 21 offense under (a) or (b) of this subsection.
- 22 (51) "Work crew" means a program of partial confinement consisting
- 23 of civic improvement tasks for the benefit of the community that
- 24 complies with RCW 9.94A.725.
- 25 (52) "Work ethic camp" means an alternative incarceration program
- 26 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
- 27 the cost of corrections by requiring offenders to complete a
- 28 comprehensive array of real-world job and vocational experiences,
- 29 character-building work ethics training, life management skills
- 30 development, substance abuse rehabilitation, counseling, literacy
- 31 training, and basic adult education.
- 32 (53) "Work release" means a program of partial confinement
- 33 available to offenders who are employed or engaged as a student in a
- 34 regular course of study at school.

35 **Sec. 3.** RCW 13.40.0357 and 2007 c 199 s 11 are each amended to
36 read as follows:
37

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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Arson and Malicious Mischief

9	A	Arson 1 (9A.48.020)	B+
10	B	Arson 2 (9A.48.030)	C
11	C	Reckless Burning 1 (9A.48.040)	D
12	D	Reckless Burning 2 (9A.48.050)	E
13	B	Malicious Mischief 1 (9A.48.070)	C
14	C	Malicious Mischief 2 (9A.48.080)	D
15	D	Malicious Mischief 3 (9A.48.090(2) (a) and	
16		(c))	E
17	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
18	E	Tampering with Fire Alarm Apparatus	
19		(9.40.100)	E
20	E	Tampering with Fire Alarm Apparatus with	
21		Intent to Commit Arson (9.40.105)	E
22	A	Possession of Incendiary Device (9.40.120)	B+

Assault and Other Crimes Involving

Physical Harm

25	A	Assault 1 (9A.36.011)	B+
26	B+	Assault 2 (9A.36.021)	C+
27	C+	Assault 3 (9A.36.031)	D+
28	D+	Assault 4 (9A.36.041)	E
29	B+	Drive-By Shooting (9A.36.045)	C+
30	D+	Reckless Endangerment (9A.36.050)	E
31	C+	Promoting Suicide Attempt (9A.36.060)	D+
32	D+	Coercion (9A.36.070)	E
33	C+	Custodial Assault (9A.36.100)	D+

Burglary and Trespass

34	B+	Burglary 1 (9A.52.020)	C+
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1	B	Residential Burglary (9A.52.025)	C
2	B	Burglary 2 (9A.52.030)	C
3	D	Burglary Tools (Possession of) (9A.52.060)	E
4	D	Criminal Trespass 1 (9A.52.070)	E
5	E	Criminal Trespass 2 (9A.52.080)	E
6	C	Mineral Trespass (78.44.330)	C
7	C	Vehicle Prowling 1 (9A.52.095)	D
8	D	Vehicle Prowling 2 (9A.52.100)	E
9		Drugs	
10	E	Possession/Consumption of Alcohol	
11		(66.44.270)	E
12	C	Illegally Obtaining Legend Drug	
13		(69.41.020)	D
14	C+	Sale, Delivery, Possession of Legend Drug	
15		with Intent to Sell (69.41.030(2)(a))	D+
16	E	Possession of Legend Drug	
17		(69.41.030(2)(b))	E
18	B+	Violation of Uniform Controlled Substances	
19		Act - Narcotic, Methamphetamine, or	
20		Flunitrazepam Sale (69.50.401(2) (a) or	
21		(b))	B+
22	C	Violation of Uniform Controlled Substances	
23		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
24	E	Possession of Marihuana <40 grams	
25		(69.50.4014)	E
26	C	Fraudulently Obtaining Controlled	
27		Substance (69.50.403)	C
28	C+	Sale of Controlled Substance for Profit	
29		(69.50.410)	C+
30	E	Unlawful Inhalation (9.47A.020)	E
31	B	Violation of Uniform Controlled Substances	
32		Act - Narcotic, Methamphetamine, or	
33		Flunitrazepam Counterfeit Substances	
34		(69.50.4011(2) (a) or (b))	B
35	C	Violation of Uniform Controlled Substances	
36		Act - Nonnarcotic Counterfeit Substances	
37		(69.50.4011(2) (c), (d), or (e))	C

1	C	Violation of Uniform Controlled Substances	
2		Act - Possession of a Controlled Substance	
3		(69.50.4013)	C
4	C	Violation of Uniform Controlled Substances	
5		Act - Possession of a Controlled Substance	
6		(69.50.4012)	C
7		Firearms and Weapons	
8	B	Theft of Firearm (9A.56.300)	C
9	B	Possession of Stolen Firearm (9A.56.310)	C
10	E	Carrying Loaded Pistol Without Permit	
11		(9.41.050)	E
12	C	Possession of Firearms by Minor (<18)	
13		(9.41.040(2)(a)(iii))	C
14	D+	Possession of Dangerous Weapon	
15		(9.41.250)	E
16	D	Intimidating Another Person by use of	
17		Weapon (9.41.270)	E
18		Homicide	
19	A+	Murder 1 (9A.32.030)	A
20	A+	Murder 2 (9A.32.050)	B+
21	B+	Manslaughter 1 (9A.32.060)	C+
22	C+	Manslaughter 2 (9A.32.070)	D+
23	B+	Vehicular Homicide (46.61.520)	C+
24		Kidnapping	
25	A	Kidnap 1 (9A.40.020)	B+
26	B+	Kidnap 2 (9A.40.030)	C+
27	C+	Unlawful Imprisonment (9A.40.040)	D+
28		Obstructing Governmental Operation	
29	D	Obstructing a Law Enforcement Officer	
30		(9A.76.020)	E
31	E	Resisting Arrest (9A.76.040)	E
32	B	Introducing Contraband 1 (9A.76.140)	C
33	C	Introducing Contraband 2 (9A.76.150)	D
34	E	Introducing Contraband 3 (9A.76.160)	E
35	B+	Intimidating a Public Servant (9A.76.180)	C+
36	B+	Intimidating a Witness (9A.72.110)	C+

1		Public Disturbance	
2	C+	Riot with Weapon (9A.84.010(2)(b))	D+
3	D+	Riot Without Weapon (9A.84.010(2)(a))	E
4	E	Failure to Disperse (9A.84.020)	E
5	E	Disorderly Conduct (9A.84.030)	E
6		Sex Crimes	
7	A	Rape 1 (9A.44.040)	B+
8	A-	Rape 2 (9A.44.050)	B+
9	C+	Rape 3 (9A.44.060)	D+
10	A-	Rape of a Child 1 (9A.44.073)	B+
11	B+	Rape of a Child 2 (9A.44.076)	C+
12	B	Incest 1 (9A.64.020(1))	C
13	C	Incest 2 (9A.64.020(2))	D
14	D+	Indecent Exposure (Victim <14)	
15		(9A.88.010)	E
16	E	Indecent Exposure (Victim 14 or over)	
17		(9A.88.010)	E
18	B+	Promoting Prostitution 1 (9A.88.070)	C+
19	C+	Promoting Prostitution 2 (9A.88.080)	D+
20	E	O & A (Prostitution) (9A.88.030)	E
21	B+	Indecent Liberties (9A.44.100)	C+
22	A-	Child Molestation 1 (9A.44.083)	B+
23	B	Child Molestation 2 (9A.44.086)	C+
24	<u>C</u>	<u>Failure to Register as a Sex Offender</u>	
25		<u>(9A.44.130)</u>	<u>D</u>
26		Theft, Robbery, Extortion, and Forgery	
27	B	Theft 1 (9A.56.030)	C
28	C	Theft 2 (9A.56.040)	D
29	D	Theft 3 (9A.56.050)	E
30	B	Theft of Livestock 1 and 2 (9A.56.080 and	
31		9A.56.083)	C
32	C	Forgery (9A.60.020)	D
33	A	Robbery 1 (9A.56.200)	B+
34	B+	Robbery 2 (9A.56.210)	C+
35	B+	Extortion 1 (9A.56.120)	C+
36	C+	Extortion 2 (9A.56.130)	D+
37	C	Identity Theft 1 (9.35.020(2))	D

1	D	Identity Theft 2 (9.35.020(3))	E
2	D	Improperly Obtaining Financial Information	
3		(9.35.010)	E
4	B	Possession of a Stolen Vehicle (9A.56.068)	C
5	B	Possession of Stolen Property 1	
6		(9A.56.150)	C
7	C	Possession of Stolen Property 2	
8		(9A.56.160)	D
9	D	Possession of Stolen Property 3	
10		(9A.56.170)	E
11	B	Taking Motor Vehicle Without Permission	
12		1 (9A.56.070)	C
13	C	Taking Motor Vehicle Without Permission	
14		2 (9A.56.075)	D
15	B	Theft of a Motor Vehicle (9A.56.065)	C
16		Motor Vehicle Related Crimes	
17	E	Driving Without a License (46.20.005)	E
18	B+	Hit and Run - Death (46.52.020(4)(a))	C+
19	C	Hit and Run - Injury (46.52.020(4)(b))	D
20	D	Hit and Run-Attended (46.52.020(5))	E
21	E	Hit and Run-Unattended (46.52.010)	E
22	C	Vehicular Assault (46.61.522)	D
23	C	Attempting to Elude Pursuing Police	
24		Vehicle (46.61.024)	D
25	E	Reckless Driving (46.61.500)	E
26	D	Driving While Under the Influence	
27		(46.61.502 and 46.61.504)	E
28	B+	Felony Driving While Under the Influence	
29		(46.61.502(6))	B
30	B+	Felony Physical Control of a Vehicle While	
31		Under the Influence (46.61.504(6))	B
32		Other	
33	B	Animal Cruelty 1 (16.52.205)	C
34	B	Bomb Threat (9.61.160)	C
35	C	Escape 1 ¹ (9A.76.110)	C
36	C	Escape 2 ¹ (9A.76.120)	C

1	D	Escape 3 (9A.76.130)	E
2	E	Obscene, Harassing, Etc., Phone Calls	
3		(9.61.230)	E
4	A	Other Offense Equivalent to an Adult Class	
5		A Felony	B+
6	B	Other Offense Equivalent to an Adult Class	
7		B Felony	C
8	C	Other Offense Equivalent to an Adult Class	
9		C Felony	D
10	D	Other Offense Equivalent to an Adult Gross	
11		Misdemeanor	E
12	E	Other Offense Equivalent to an Adult	
13		Misdemeanor	E
14	V	Violation of Order of Restitution,	
15		Community Supervision, or Confinement	
16		(13.40.200) ²	V

17 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
18 and the standard range is established as follows:

19 1st escape or attempted escape during 12-month period - 4 weeks
20 confinement

21 2nd escape or attempted escape during 12-month period - 8 weeks
22 confinement

23 3rd and subsequent escape or attempted escape during 12-month
24 period - 12 weeks confinement

25 ²If the court finds that a respondent has violated terms of an order,
26 it may impose a penalty of up to 30 days of confinement.

27 **JUVENILE SENTENCING STANDARDS**

28 This schedule must be used for juvenile offenders. The court may
29 select sentencing option A, B, C, D, or RCW 13.40.167.

30	OPTION A	
31	JUVENILE OFFENDER SENTENCING GRID	
32	STANDARD RANGE	
33	-----	
	A+	180 WEEKS TO AGE 21 YEARS
34	-----	

A 103 WEEKS TO 129 WEEKS

A-	15-36	52-65	80-100	103-129
	WEEKS	WEEKS	WEEKS	WEEKS
	EXCEPT			
	30-40			
	WEEKS FOR			
	15-17			
	YEAR OLDS			

Current	B+	15-36	52-65	80-100	103-129
Offense		WEEKS	WEEKS	WEEKS	WEEKS
Category					

B	LOCAL			52-65
	SANCTIONS (LS)		15-36 WEEKS	WEEKS

C+	LS			15-36 WEEKS
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C	LS			15-36 WEEKS
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Local Sanctions:

0 to 30 Days

D+ LS 0 to 12 Months Community Supervision

0 to 150 Hours Community Restitution

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4
or more

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined

1 by the intersection of the column defined by the prior adjudications
2 and the row defined by the current offense category.

3 (4) RCW 13.40.180 applies if the offender is being sentenced for
4 more than one offense.

5 (5) A current offense that is a violation is equivalent to an
6 offense category of E. However, a disposition for a violation shall
7 not include confinement.

8 OR

9 OPTION B

10 SUSPENDED DISPOSITION ALTERNATIVE

11 (1) If the offender is subject to a standard range disposition
12 involving confinement by the department, the court may impose the
13 standard range and suspend the disposition on condition that the
14 offender comply with one or more local sanctions and any educational or
15 treatment requirement. The treatment programs provided to the offender
16 must be research-based best practice programs as identified by the
17 Washington state institute for public policy or the joint legislative
18 audit and review committee.

19 (2) If the offender fails to comply with the suspended disposition,
20 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke
21 the suspended disposition and order the disposition's execution.

22 (3) An offender is ineligible for the suspended disposition option
23 under this section if the offender is:

- 24 (a) Adjudicated of an A+ offense;
- 25 (b) Fourteen years of age or older and is adjudicated of one or
26 more of the following offenses:

- 27 (i) A class A offense, or an attempt, conspiracy, or solicitation
28 to commit a class A offense;

- 29 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

- 30 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
31 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
32 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
33 burglary (RCW 9A.52.025), burglary in the second degree (RCW
34 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
35 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
36 witness (RCW 9A.72.110), violation of the uniform controlled substances
37 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),

1 when the offense includes infliction of bodily harm upon another or
2 when during the commission or immediate withdrawal from the offense the
3 respondent was armed with a deadly weapon;

4 (c) Ordered to serve a disposition for a firearm violation under
5 RCW 13.40.193; or

6 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

7 OR

8 **OPTION C**

9 **CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

10 If the juvenile offender is subject to a standard range disposition
11 of local sanctions or 15 to 36 weeks of confinement and has not
12 committed an A- or B+ offense, the court may impose a disposition under
13 RCW 13.40.160(4) and 13.40.165.

14 OR

15 **OPTION D**

16 **MANIFEST INJUSTICE**

17 If the court determines that a disposition under option A, B, or C
18 would effectuate a manifest injustice, the court shall impose a
19 disposition outside the standard range under RCW 13.40.160(2).

20 NEW SECTION. **Sec. 4.** (1) The sex offender policy board, as
21 created by chapter . . . (Substitute Senate Bill No. 6596), Laws of
22 2008, shall review and make recommendations for changes to the
23 statutory requirements relating to sex offender and kidnapping offender
24 registration and notification. The review and recommendations shall
25 include, but are not limited to:

26 (a) The appropriate class of felony and sentencing designations for
27 a conviction of the failure to register;

28 (b) The appropriate groups and classes of adult offenders who
29 should be required to register;

30 (c) The appropriate groups and classes of juvenile offenders who
31 should be required to register;

32 (d) When a sex offender or kidnapping offender should be relieved
33 of registration or notification requirements and the process for
34 termination of those obligations; and

1 (e) Simplification of the statutory language to allow the
2 department of corrections, law enforcement, and offenders to more
3 easily identify registration and notification requirements.

4 (2) In formulating its recommendations, the board shall review the
5 experience of other jurisdictions and any available evidence-based
6 research to ensure that its recommendations have the maximum impact on
7 public safety.

8 (3) The board shall report to the governor and the relevant
9 committees of the legislature no later than November 1, 2009.

10 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act take effect
11 ninety days after adjournment sine die of the 2010 legislative session.

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