

SSB 5326 - S AMD 54
By Senator Benton

RULED BEYOND SCOPE 03/05/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that Jessica
4 Lunsford, a nine-year old girl, was abducted from her bedroom at her
5 grandparent's home in the middle of the night on February 23, 2005. A
6 three-week long search was launched that gained Jessica the sympathy
7 and heartfelt prayers of the nation. On March 18, 2005, police found
8 Jessica's body buried in a shallow grave under the back porch of a home
9 where she had been sexually assaulted, buried alive, and murdered.
10 Therefore the legislature intends to enhance the penalties for, and
11 monitoring of, sex offenders.

12 **Sec. 2.** RCW 10.95.020 and 2003 c 53 s 96 are each amended to read
13 as follows:

14 A person is guilty of aggravated first degree murder, a class A
15 felony, if he or she commits first degree murder as defined by RCW
16 9A.32.030(1)(a), as now or hereafter amended, and one or more of the
17 following aggravating circumstances exist:

18 (1) The victim was a law enforcement officer, corrections officer,
19 or fire fighter who was performing his or her official duties at the
20 time of the act resulting in death and the victim was known or
21 reasonably should have been known by the person to be such at the time
22 of the killing;

23 (2) At the time of the act resulting in the death, the person was
24 serving a term of imprisonment, had escaped, or was on authorized or
25 unauthorized leave in or from a state facility or program for the
26 incarceration or treatment of persons adjudicated guilty of crimes;

27 (3) At the time of the act resulting in death, the person was in
28 custody in a county or county-city jail as a consequence of having been
29 adjudicated guilty of a felony;

1 (4) The person committed the murder pursuant to an agreement that
2 he or she would receive money or any other thing of value for
3 committing the murder;

4 (5) The person solicited another person to commit the murder and
5 had paid or had agreed to pay money or any other thing of value for
6 committing the murder;

7 (6) The person committed the murder to obtain or maintain his or
8 her membership or to advance his or her position in the hierarchy of an
9 organization, association, or identifiable group;

10 (7) The murder was committed during the course of or as a result of
11 a shooting where the discharge of the firearm, as defined in RCW
12 9.41.010, is either from a motor vehicle or from the immediate area of
13 a motor vehicle that was used to transport the shooter or the firearm,
14 or both, to the scene of the discharge;

15 (8) The victim was:

16 (a) A judge; juror or former juror; prospective, current, or former
17 witness in an adjudicative proceeding; prosecuting attorney; deputy
18 prosecuting attorney; defense attorney; a member of the indeterminate
19 sentence review board; or a probation or parole officer; and

20 (b) The murder was related to the exercise of official duties
21 performed or to be performed by the victim;

22 (9) The person committed the murder to conceal the commission of a
23 crime or to protect or conceal the identity of any person committing a
24 crime, including, but specifically not limited to, any attempt to avoid
25 prosecution as a persistent offender as defined in RCW 9.94A.030;

26 (10) There was more than one victim and the murders were part of a
27 common scheme or plan or the result of a single act of the person;

28 (11) The murder was committed in the course of, in furtherance of,
29 or in immediate flight from one of the following crimes:

30 (a) Robbery in the first or second degree;

31 (b) Rape in the first or second degree;

32 (c) Burglary in the first or second degree or residential burglary;

33 (d) Kidnapping in the first degree; or

34 (e) Arson in the first degree;

35 (12) The victim was regularly employed or self-employed as a
36 newsreporter and the murder was committed to obstruct or hinder the
37 investigative, research, or reporting activities of the victim;

1 (13) At the time the person committed the murder, there existed a
2 court order, issued in this or any other state, which prohibited the
3 person from either contacting the victim, molesting the victim, or
4 disturbing the peace of the victim, and the person had knowledge of the
5 existence of that order;

6 (14) At the time the person committed the murder, the person and
7 the victim were "family or household members" as that term is defined
8 in RCW 10.99.020(~~((1+))~~) (3), and the person had previously engaged in
9 a pattern or practice of three or more of the following crimes
10 committed upon the victim within a five-year period, regardless of
11 whether a conviction resulted:

12 (a) Harassment as defined in RCW 9A.46.020; or

13 (b) Any criminal assault;

14 (15) At the time the person committed the murder, the person was a
15 sexually violent predator, as defined in RCW 71.09.020.

16 **Sec. 3.** RCW 9.94A.540 and 2005 c 437 s 2 are each amended to read
17 as follows:

18 (1) Except to the extent provided in subsection (3) of this
19 section, the following minimum terms of total confinement are mandatory
20 and shall not be varied or modified under RCW 9.94A.535:

21 (a) An offender convicted of the crime of murder in the first
22 degree shall be sentenced to a term of total confinement not less than
23 twenty years.

24 (b) An offender convicted of the crime of assault in the first
25 degree or assault of a child in the first degree where the offender
26 used force or means likely to result in death or intended to kill the
27 victim shall be sentenced to a term of total confinement not less than
28 five years.

29 (c) An offender convicted of the crime of rape in the first degree
30 shall be sentenced to a term of total confinement not less than five
31 years.

32 (d) An offender convicted of the crime of sexually violent predator
33 escape shall be sentenced to a minimum term of total confinement not
34 less than sixty months.

35 (e) An offender convicted of the crime of rape of a child in the
36 first degree or child molestation in the first degree shall be
37 sentenced to a minimum term of total confinement not less than twenty-

1 five years. An offender sentenced under this subsection (1)(e) is
2 subject to lifetime supervision with electronic monitoring for any
3 period of partial confinement, including community supervision.

4 (2) During such minimum terms of total confinement, no offender
5 subject to the provisions of this section is eligible for community
6 custody, earned release time, furlough, home detention, partial
7 confinement, work crew, work release, or any other form of early
8 release authorized under RCW 9.94A.728, or any other form of authorized
9 leave of absence from the correctional facility while not in the direct
10 custody of a corrections officer. The provisions of this subsection
11 shall not apply: (a) In the case of an offender in need of emergency
12 medical treatment; (b) for the purpose of commitment to an inpatient
13 treatment facility in the case of an offender convicted of the crime of
14 rape in the first degree; or (c) for an extraordinary medical placement
15 when authorized under RCW 9.94A.728(4).

16 (3)(a) Subsection (1) of this section shall not be applied in
17 sentencing of juveniles tried as adults pursuant to RCW
18 13.04.030(1)(e)(i).

19 (b) This subsection (3) applies only to crimes committed on or
20 after July 24, 2005.

21 **Sec. 4.** RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are
22 each reenacted and amended to read as follows:

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TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	<u>Child Molestation 1 (RCW 9A.44.083)</u> Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030) <u>Rape of a Child 1 (RCW 9A.44.073)</u>
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))

1 XIII Malicious explosion 2 (RCW
2 70.74.280(2))
3 Malicious placement of an explosive 1
4 (RCW 70.74.270(1))
5 XII Assault 1 (RCW 9A.36.011)
6 Assault of a Child 1 (RCW 9A.36.120)
7 Malicious placement of an imitation
8 device 1 (RCW 70.74.272(1)(a))
9 Rape 1 (RCW 9A.44.040)
10 ~~((Rape of a Child 1 (RCW~~
11 ~~9A.44.073)))~~
12 Trafficking 2 (RCW 9A.40.100(2))
13 XI Manslaughter 1 (RCW 9A.32.060)
14 Rape 2 (RCW 9A.44.050)
15 Rape of a Child 2 (RCW 9A.44.076)
16 X ~~((Child Molestation 1 (RCW~~
17 ~~9A.44.083)))~~
18 Criminal Mistreatment 1 (RCW
19 9A.42.020)
20 Indecent Liberties (with forcible
21 compulsion) (RCW
22 9A.44.100(1)(a))
23 Kidnapping 1 (RCW 9A.40.020)
24 Leading Organized Crime (RCW
25 9A.82.060(1)(a))
26 Malicious explosion 3 (RCW
27 70.74.280(3))
28 Sexually Violent Predator Escape
29 (RCW 9A.76.115)
30 IX Abandonment of Dependent Person 1
31 (RCW 9A.42.060)
32 Assault of a Child 2 (RCW 9A.36.130)
33 Explosive devices prohibited (RCW
34 70.74.180)
35 Hit and Run--Death (RCW
36 46.52.020(4)(a))

1 Homicide by Watercraft, by being
2 under the influence of intoxicating
3 liquor or any drug (RCW
4 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2
8 (RCW 70.74.270(2))
9 Robbery 1 (RCW 9A.56.200)
10 Sexual Exploitation (RCW 9.68A.040)
11 Vehicular Homicide, by being under
12 the influence of intoxicating liquor
13 or any drug (RCW 46.61.520)
14 VIII Arson 1 (RCW 9A.48.020)
15 Homicide by Watercraft, by the
16 operation of any vessel in a
17 reckless manner (RCW
18 79A.60.050)
19 Manslaughter 2 (RCW 9A.32.070)
20 Promoting Commercial Sexual Abuse
21 of a Minor (RCW 9.68A.101)
22 Promoting Prostitution 1 (RCW
23 9A.88.070)
24 Theft of Ammonia (RCW 69.55.010)
25 Vehicular Homicide, by the operation
26 of any vehicle in a reckless manner
27 (RCW 46.61.520)
28 VII Burglary 1 (RCW 9A.52.020)
29 Child Molestation 2 (RCW 9A.44.086)
30 Civil Disorder Training (RCW
31 9A.48.120)
32 Dealing in depictions of minor engaged
33 in sexually explicit conduct (RCW
34 9.68A.050)
35 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard
2 for the safety of others (RCW
3 79A.60.050)
4 Indecent Liberties (without forcible
5 compulsion) (RCW 9A.44.100(1)
6 (b) and (c))
7 Introducing Contraband 1 (RCW
8 9A.76.140)
9 Malicious placement of an explosive 3
10 (RCW 70.74.270(3))
11 Negligently Causing Death By Use of a
12 Signal Preemption Device (RCW
13 46.37.675)
14 Sending, bringing into state depictions
15 of minor engaged in sexually
16 explicit conduct (RCW 9.68A.060)
17 Unlawful Possession of a Firearm in
18 the first degree (RCW 9.41.040(1))
19 Use of a Machine Gun in Commission
20 of a Felony (RCW 9.41.225)
21 Vehicular Homicide, by disregard for
22 the safety of others (RCW
23 46.61.520)
24 VI Bail Jumping with Murder 1 (RCW
25 9A.76.170(3)(a))
26 Bribery (RCW 9A.68.010)
27 Incest 1 (RCW 9A.64.020(1))
28 Intimidating a Judge (RCW 9A.72.160)
29 Intimidating a Juror/Witness (RCW
30 9A.72.110, 9A.72.130)
31 Malicious placement of an imitation
32 device 2 (RCW 70.74.272(1)(b))
33 Possession of Depictions of a Minor
34 Engaged in Sexually Explicit
35 Conduct (RCW 9.68A.070)
36 Rape of a Child 3 (RCW 9A.44.079)
37 Theft of a Firearm (RCW 9A.56.300)

1 Unlawful Storage of Ammonia (RCW
2 69.55.020)
3 V Abandonment of Dependent Person 2
4 (RCW 9A.42.070)
5 Advancing money or property for
6 extortionate extension of credit
7 (RCW 9A.82.030)
8 Bail Jumping with class A Felony
9 (RCW 9A.76.170(3)(b))
10 Child Molestation 3 (RCW 9A.44.089)
11 Criminal Mistreatment 2 (RCW
12 9A.42.030)
13 Custodial Sexual Misconduct 1 (RCW
14 9A.44.160)
15 Domestic Violence Court Order
16 Violation (RCW 10.99.040,
17 10.99.050, 26.09.300, 26.10.220,
18 26.26.138, 26.50.110, 26.52.070,
19 or 74.34.145)
20 Driving While Under the Influence
21 (RCW 46.61.502(6))
22 Extortion 1 (RCW 9A.56.120)
23 Extortionate Extension of Credit (RCW
24 9A.82.020)
25 Extortionate Means to Collect
26 Extensions of Credit (RCW
27 9A.82.040)
28 Incest 2 (RCW 9A.64.020(2))
29 Kidnapping 2 (RCW 9A.40.030)
30 Perjury 1 (RCW 9A.72.020)
31 Persistent prison misbehavior (RCW
32 9.94.070)
33 Physical Control of a Vehicle While
34 Under the Influence (RCW
35 46.61.504(6))
36 Possession of a Stolen Firearm (RCW
37 9A.56.310)

1 Rape 3 (RCW 9A.44.060)
2 Rendering Criminal Assistance 1
3 (RCW 9A.76.070)
4 Sexual Misconduct with a Minor 1
5 (RCW 9A.44.093)
6 Sexually Violating Human Remains
7 (RCW 9A.44.105)
8 Stalking (RCW 9A.46.110)
9 Taking Motor Vehicle Without
10 Permission 1 (RCW 9A.56.070)
11 IV Arson 2 (RCW 9A.48.030)
12 Assault 2 (RCW 9A.36.021)
13 Assault 3 (of a Peace Officer with a
14 Projectile Stun Gun) (RCW
15 9A.36.031(1)(h))
16 Assault by Watercraft (RCW
17 79A.60.060)
18 Bribing a Witness/Bribe Received by
19 Witness (RCW 9A.72.090,
20 9A.72.100)
21 Cheating 1 (RCW 9A.46.1961)
22 Commercial Bribery (RCW 9A.68.060)
23 Counterfeiting (RCW 9A.16.035(4))
24 Endangerment with a Controlled
25 Substance (RCW 9A.42.100)
26 Escape 1 (RCW 9A.76.110)
27 Hit and Run--Injury (RCW
28 46.52.020(4)(b))
29 Hit and Run with Vessel--Injury
30 Accident (RCW 79A.60.200(3))
31 Identity Theft 1 (RCW 9A.35.020(2))
32 Indecent Exposure to Person Under
33 Age Fourteen (subsequent sex
34 offense) (RCW 9A.88.010)
35 Influencing Outcome of Sporting Event
36 (RCW 9A.82.070)

1 Malicious Harassment (RCW
2 9A.36.080)
3 Residential Burglary (RCW
4 9A.52.025)
5 Robbery 2 (RCW 9A.56.210)
6 Theft of Livestock 1 (RCW 9A.56.080)
7 Threats to Bomb (RCW 9.61.160)
8 Trafficking in Stolen Property 1 (RCW
9 9A.82.050)
10 Unlawful factoring of a credit card or
11 payment card transaction (RCW
12 9A.56.290(4)(b))
13 Unlawful transaction of health
14 coverage as a health care service
15 contractor (RCW 48.44.016(3))
16 Unlawful transaction of health
17 coverage as a health maintenance
18 organization (RCW 48.46.033(3))
19 Unlawful transaction of insurance
20 business (RCW 48.15.023(3))
21 Unlicensed practice as an insurance
22 professional (RCW
23 48.17.063(~~(3)~~)(2))
24 Use of Proceeds of Criminal
25 Profiteering (RCW 9A.82.080 (1)
26 and (2))
27 Vehicular Assault, by being under the
28 influence of intoxicating liquor or
29 any drug, or by the operation or
30 driving of a vehicle in a reckless
31 manner (RCW 46.61.522)
32 Willful Failure to Return from
33 Furlough (RCW 72.66.060)
34 III Animal Cruelty 1 (Sexual Conduct or
35 Contact) (RCW 16.52.205(3))

1 Assault 3 (Except Assault 3 of a Peace
2 Officer With a Projectile Stun
3 Gun) (RCW 9A.36.031 except
4 subsection (1)(h))
5 Assault of a Child 3 (RCW 9A.36.140)
6 Bail Jumping with class B or C Felony
7 (RCW 9A.76.170(3)(c))
8 Burglary 2 (RCW 9A.52.030)
9 Commercial Sexual Abuse of a Minor
10 (RCW 9.68A.100)
11 Communication with a Minor for
12 Immoral Purposes (RCW
13 9.68A.090)
14 Criminal Gang Intimidation (RCW
15 9A.46.120)
16 Custodial Assault (RCW 9A.36.100)
17 Cyberstalking (subsequent conviction
18 or threat of death) (RCW
19 9.61.260(3))
20 Escape 2 (RCW 9A.76.120)
21 Extortion 2 (RCW 9A.56.130)
22 Harassment (RCW 9A.46.020)
23 Intimidating a Public Servant (RCW
24 9A.76.180)
25 Introducing Contraband 2 (RCW
26 9A.76.150)
27 Malicious Injury to Railroad Property
28 (RCW 81.60.070)
29 Mortgage Fraud (RCW 19.144.080)
30 Negligently Causing Substantial Bodily
31 Harm By Use of a Signal
32 Preemption Device (RCW
33 46.37.674)
34 Organized Retail Theft 1 (RCW
35 9A.56.350(2))
36 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW
2 9.40.120)
3 Possession of Machine Gun or Short-
4 Barreled Shotgun or Rifle (RCW
5 9.41.190)
6 Promoting Prostitution 2 (RCW
7 9A.88.080)
8 Retail Theft with Extenuating
9 Circumstances 1 (RCW
10 9A.56.360(2))
11 Securities Act violation (RCW
12 21.20.400)
13 Tampering with a Witness (RCW
14 9A.72.120)
15 Telephone Harassment (subsequent
16 conviction or threat of death)
17 (RCW 9.61.230(2))
18 Theft of Livestock 2 (RCW 9A.56.083)
19 Theft with the Intent to Resell 1 (RCW
20 9A.56.340(2))
21 Trafficking in Stolen Property 2 (RCW
22 9A.82.055)
23 Unlawful Imprisonment (RCW
24 9A.40.040)
25 Unlawful possession of firearm in the
26 second degree (RCW 9.41.040(2))
27 Vehicular Assault, by the operation or
28 driving of a vehicle with disregard
29 for the safety of others (RCW
30 46.61.522)
31 Willful Failure to Return from Work
32 Release (RCW 72.65.070)
33 II Computer Trespass 1 (RCW
34 9A.52.110)
35 Counterfeiting (RCW 9.16.035(3))
36 Escape from Community Custody
37 (RCW 72.09.310)

1 Failure to Register as a Sex Offender
2 (second or subsequent offense)
3 (RCW 9A.44.130(11)(a))
4 Health Care False Claims (RCW
5 48.80.030)
6 Identity Theft 2 (RCW 9.35.020(3))
7 Improperly Obtaining Financial
8 Information (RCW 9.35.010)
9 Malicious Mischief 1 (RCW
10 9A.48.070)
11 Organized Retail Theft 2 (RCW
12 9A.56.350(3))
13 Possession of Stolen Property 1 (RCW
14 9A.56.150)
15 Possession of a Stolen Vehicle (RCW
16 9A.56.068)
17 Retail Theft with Extenuating
18 Circumstances 2 (RCW
19 9A.56.360(3))
20 Theft 1 (RCW 9A.56.030)
21 Theft of a Motor Vehicle (RCW
22 9A.56.065)
23 Theft of Rental, Leased, or Lease-
24 purchased Property (valued at one
25 thousand five hundred dollars or
26 more) (RCW 9A.56.096(5)(a))
27 Theft with the Intent to Resell 2 (RCW
28 9A.56.340(3))
29 Trafficking in Insurance Claims (RCW
30 48.30A.015)
31 Unlawful factoring of a credit card or
32 payment card transaction (RCW
33 9A.56.290(4)(a))
34 Unlawful Practice of Law (RCW
35 2.48.180)
36 Unlicensed Practice of a Profession or
37 Business (RCW 18.130.190(7))

1 Voyeurism (RCW 9A.44.115)
2 I Attempting to Elude a Pursuing Police
3 Vehicle (RCW 46.61.024)
4 False Verification for Welfare (RCW
5 74.08.055)
6 Forgery (RCW 9A.60.020)
7 Fraudulent Creation or Revocation of a
8 Mental Health Advance Directive
9 (RCW 9A.60.060)
10 Malicious Mischief 2 (RCW
11 9A.48.080)
12 Mineral Trespass (RCW 78.44.330)
13 Possession of Stolen Property 2 (RCW
14 9A.56.160)
15 Reckless Burning 1 (RCW 9A.48.040)
16 Taking Motor Vehicle Without
17 Permission 2 (RCW 9A.56.075)
18 Theft 2 (RCW 9A.56.040)
19 Theft of Rental, Leased, or Lease-
20 purchased Property (valued at two
21 hundred fifty dollars or more but
22 less than one thousand five
23 hundred dollars) (RCW
24 9A.56.096(5)(b))
25 Transaction of insurance business
26 beyond the scope of licensure
27 (RCW 48.17.063(((4))))
28 Unlawful Issuance of Checks or Drafts
29 (RCW 9A.56.060)
30 Unlawful Possession of Fictitious
31 Identification (RCW 9A.56.320)
32 Unlawful Possession of Instruments of
33 Financial Fraud (RCW 9A.56.320)
34 Unlawful Possession of Payment
35 Instruments (RCW 9A.56.320)

1 Unlawful Possession of a Personal
2 Identification Device (RCW
3 9A.56.320)
4 Unlawful Production of Payment
5 Instruments (RCW 9A.56.320)
6 Unlawful Trafficking in Food Stamps
7 (RCW 9.91.142)
8 Unlawful Use of Food Stamps (RCW
9 9.91.144)
10 Vehicle Prowl 1 (RCW 9A.52.095)

11 **Sec. 5.** RCW 9.95.204 and 2005 c 400 s 2 and 2005 c 362 s 3 are
12 each reenacted and amended to read as follows:

13 (1) When a superior court places a defendant convicted of a
14 misdemeanor or gross misdemeanor on probation and orders supervision
15 under RCW 9.92.060 or 9.95.210, the department of corrections has
16 initial responsibility for supervision of that defendant.

17 (2) A county legislative authority may assume responsibility for
18 the supervision of all defendants within its jurisdiction who have been
19 convicted of a misdemeanor or gross misdemeanor and sentenced to
20 probation by a superior court. The assumption of responsibility shall
21 be made by contract with the department of corrections on a biennial
22 basis.

23 (3) If a county assumes supervision responsibility, the county
24 shall supervise all superior court misdemeanant probationers within
25 that county for the duration of the biennium, as set forth in the
26 contract with the department of corrections.

27 (4) A contract between a county legislative authority and the
28 department of corrections for the transfer of supervision
29 responsibility must include, at a minimum, the following provisions:

30 (a) The county's agreement to supervise all misdemeanant
31 probationers who are sentenced by a superior court within that county
32 and who reside within that county;

33 (b) A reciprocal agreement regarding the supervision of superior
34 court misdemeanant probationers sentenced in one county but who reside
35 in another county;

36 (c) The county's agreement to comply with the minimum standards for

1 classification and supervision of offenders as required under RCW
2 9.95.206;

3 (d) The amount of funds available from the department of
4 corrections to the county for supervision of superior court
5 misdemeanor probationers, calculated according to a formula
6 established by the department of corrections;

7 (e) A method for the payment of funds by the department of
8 corrections to the county;

9 (f) The county's agreement that any funds received by the county
10 under the contract will be expended only to cover costs of supervision
11 of superior court misdemeanor probationers;

12 (g) The county's agreement to account to the department of
13 corrections for the expenditure of all funds received under the
14 contract and to submit to audits for compliance with the supervision
15 standards and financial requirements of this section;

16 (h) Provisions regarding rights and remedies in the event of a
17 possible breach of contract or default by either party; and

18 (i) Provisions allowing for voluntary termination of the contract
19 by either party, with good cause, after sixty days' written notice.

20 (5) If the contract between the county and the department of
21 corrections is terminated for any reason, the department of corrections
22 shall reassume responsibility for supervision of superior court
23 misdemeanor probationers within that county. In such an event, the
24 department of corrections retains any and all rights and remedies
25 available by law and under the contract.

26 (6) The state of Washington, the department of corrections and its
27 employees, community corrections officers, and volunteers who assist
28 community corrections officers are not liable for any harm caused by
29 the actions of a superior court misdemeanor probationer who is under
30 the supervision of a county. A county, its probation department and
31 employees, probation officers, and volunteers who assist probation
32 officers are not liable for any harm caused by the actions of a
33 superior court misdemeanor probationer who is under the supervision of
34 the department of corrections. This subsection applies regardless of
35 whether the supervising entity is in compliance with the standards of
36 supervision at the time of the misdemeanor probationer's actions.

37 (7) The state of Washington, the department of corrections and its
38 employees, community corrections officers, any county under contract

1 with the department of corrections pursuant to this section and its
2 employees, probation officers, and volunteers who assist community
3 corrections officers and probation officers in the superior court
4 misdemeanor probation program are not liable for civil damages
5 resulting from any act or omission in the rendering of superior court
6 misdemeanor probation activities unless the act or omission
7 constitutes gross negligence. For purposes of this section,
8 "volunteers" is defined according to RCW 51.12.035.

9 (8) The provisions of RCW 9.94A.501 apply to sentences imposed
10 under this section.

11 (9)(a) If a misdemeanor probationer requests permission to travel
12 or transfer to another state, the assigned probation officer employed
13 or contracted for by the county shall determine whether such request is
14 subject to RCW 9.94A.745, the interstate compact for adult offender
15 supervision. If such request is subject to the compact, the probation
16 officer shall:

17 (i) Notify the department of corrections of the probationer's
18 request;

19 (ii) Provide the department of corrections with the supporting
20 documentation it requests for processing an application for transfer;

21 (iii) Notify the probationer of the fee due to the department of
22 corrections for processing an application under the compact;

23 (iv) Cease supervision of the probationer while another state
24 supervises the probationer pursuant to the compact;

25 (v) Resume supervision if the probationer returns to this state
26 before the term of probation expires.

27 (b) The probationer shall receive credit for time served while
28 being supervised by another state.

29 (10) Whenever the department or a county assumes supervisory
30 responsibility for a misdemeanor probationer, the department or the
31 county shall determine whether or not the probationer is listed in the
32 central registry of sex offenders and kidnapping offenders.

33 **Sec. 6.** RCW 9A.44.130 and 2006 c 129 s 2, 2006 c 128 s 2, 2006 c
34 127 s 2, and 2006 c 126 s 2 are each reenacted and amended to read as
35 follows:

36 (1)(a) Any adult or juvenile residing whether or not the person has
37 a fixed residence, or who is a student, is employed, or carries on a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (b) Any person who lacks a fixed residence shall provide the
38 following information when registering: (i) Name; (ii) date and place

1 of birth; (iii) place of employment; (iv) crime for which convicted;
2 (v) date and place of conviction; (vi) aliases used; (vii) social
3 security number; (viii) photograph; (ix) fingerprints; and (x) where he
4 or she plans to stay.

5 (c) Any person required to register pursuant to this section shall
6 verify, under penalty of law and with the county sheriff, twice a year
7 that all of the information required in this subsection remains
8 accurate. Failure to verify registration information twice a year
9 constitutes a per se violation of this section and is punishable as
10 provided in subsection (11) of this section.

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

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

37 When the agency with jurisdiction intends to release an offender
38 with a duty to register under this section, and the agency has

1 knowledge that the offender is eligible for developmental disability
2 services from the department of social and health services, the agency
3 shall notify the division of developmental disabilities of the release.
4 Notice shall occur not more than thirty days before the offender is to
5 be released. The agency and the division shall assist the offender in
6 meeting the initial registration requirement under this section.
7 Failure to provide such assistance shall not constitute a defense for
8 any violation of this section.

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

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

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

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

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

1 of another state or a foreign country, federal or military statutes, or
2 Washington state for offenses committed before, on, or after July 27,
3 1997. Sex offenders and kidnapping offenders from other states or a
4 foreign country who, when they move to Washington, are under the
5 jurisdiction of the department of corrections, the indeterminate
6 sentence review board, or the department of social and health services
7 must register within twenty-four hours of moving to Washington. The
8 agency that has jurisdiction over the offender shall notify the
9 offender of the registration requirements before the offender moves to
10 Washington.

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

37 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
38 a fixed residence and leaves the county in which he or she is

1 registered and enters and remains within a new county for twenty-four
2 hours is required to register with the county sheriff not more than
3 twenty-four hours after entering the county and provide the information
4 required in subsection (3)(b) of this section.

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

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

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

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

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

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

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

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

1 shall forward this information to the sheriff of the county in which
2 the person intends to reside, if the person intends to reside in
3 another county.

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

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

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

1 and the court determines that the reporting no longer serves a public
2 safety purpose. Failure to report, as specified, constitutes a
3 violation of this section and is punishable as provided in subsection
4 (11) of this section.

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

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

24 (10) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
25 70.48.470, and 72.09.330:

26 (a) "Sex offense" means:

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

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

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

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

35 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
36 criminal attempt, criminal solicitation, or criminal conspiracy to
37 commit an offense that is classified as a sex offense under RCW
38 9.94A.030 or this subsection.

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

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

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

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

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

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

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

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

9 **Sec. 7.** RCW 9A.44.130 and 2008 c 230 s 1 are each amended to read
10 as follows:

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

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

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

35 (ii) Who is admitted to a public or private institution of higher
36 education shall, within ten days of enrolling or by the first business

1 day after arriving at the institution, whichever is earlier, notify the
2 sheriff for the county of the person's residence of the person's intent
3 to attend the institution;

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

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

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

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

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

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

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

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

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

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

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

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

18 (c) Any person required to register pursuant to this section shall
19 verify, under penalty of law and with the county sheriff, twice a year
20 that all of the information required in this subsection remains
21 accurate. Failure to verify registration information twice a year
22 constitutes a per se violation of this section and is punishable as
23 provided in subsection (11) of this section.

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

28 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
29 offense on, before, or after February 28, 1990, and who, on or after
30 July 28, 1991, are in custody, as a result of that offense, of the
31 state department of corrections, the state department of social and
32 health services, a local division of youth services, or a local jail or
33 juvenile detention facility, and (B) kidnapping offenders who on or
34 after July 27, 1997, are in custody of the state department of
35 corrections, the state department of social and health services, a
36 local division of youth services, or a local jail or juvenile detention
37 facility, must register at the time of release from custody with an
38 official designated by the agency that has jurisdiction over the

1 offender. The agency shall within three days forward the registration
2 information to the county sheriff for the county of the offender's
3 anticipated residence. The offender must also register within twenty-
4 four hours from the time of release with the county sheriff for the
5 county of the person's residence, or if the person is not a resident of
6 Washington, the county of the person's school, or place of employment
7 or vocation. The agency that has jurisdiction over the offender shall
8 provide notice to the offender of the duty to register. Failure to
9 register at the time of release and within twenty-four hours of release
10 constitutes a violation of this section and is punishable as provided
11 in subsection (11) of this section.

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

22 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
23 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
24 but are under the jurisdiction of the indeterminate sentence review
25 board or under the department of corrections' active supervision, as
26 defined by the department of corrections, the state department of
27 social and health services, or a local division of youth services, for
28 sex offenses committed before, on, or after February 28, 1990, must
29 register within ten days of July 28, 1991. Kidnapping offenders who,
30 on July 27, 1997, are not in custody but are under the jurisdiction of
31 the indeterminate sentence review board or under the department of
32 corrections' active supervision, as defined by the department of
33 corrections, the state department of social and health services, or a
34 local division of youth services, for kidnapping offenses committed
35 before, on, or after July 27, 1997, must register within ten days of
36 July 27, 1997. A change in supervision status of a sex offender who
37 was required to register under this subsection (4)(a)(ii) as of July
38 28, 1991, or a kidnapping offender required to register as of July 27,

1 1997, shall not relieve the offender of the duty to register or to
2 reregister following a change in residence. The obligation to register
3 shall only cease pursuant to RCW 9A.44.140.

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

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

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

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

1 adult or juvenile who has been found not guilty by reason of insanity
2 of committing a kidnapping offense but who was released before July 27,
3 1997, shall be required to register within twenty-four hours of
4 receiving notice of this registration requirement. The state
5 department of social and health services shall make reasonable attempts
6 within available resources to notify sex offenders who were released
7 before July 23, 1995, and kidnapping offenders who were released before
8 July 27, 1997. Failure to register within twenty-four hours of
9 release, or of receiving notice, constitutes a violation of this
10 section and is punishable as provided in subsection (11) of this
11 section.

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

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

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

33 (b) Failure to register within the time required under this section
34 constitutes a per se violation of this section and is punishable as
35 provided in subsection (11) of this section. The county sheriff shall
36 not be required to determine whether the person is living within the
37 county.

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

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

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

35 (b) It is an affirmative defense to a charge that the person failed
36 to send a notice at least fourteen days in advance of moving as
37 required under (a) of this subsection that the person did not know the
38 location of his or her new residence at least fourteen days before

1 moving. The defendant must establish the defense by a preponderance of
2 the evidence and, to prevail on the defense, must also prove by a
3 preponderance that the defendant sent the required notice within
4 twenty-four hours of determining the new address.

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

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

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

34 (7) All offenders who are required to register pursuant to this
35 section who have a fixed residence and who are designated as a risk
36 level II or III must report, in person, every ninety days to the
37 sheriff of the county where he or she is registered. Reporting shall
38 be on a day specified by the county sheriff's office, and shall occur

1 during normal business hours. An offender who complies with the
2 ninety-day reporting requirement with no violations for a period of at
3 least five years in the community may petition the superior court to be
4 relieved of the duty to report every ninety days. The petition shall
5 be made to the superior court in the county where the offender resides
6 or reports under this section. The prosecuting attorney of the county
7 shall be named and served as respondent in any such petition. The
8 court shall relieve the petitioner of the duty to report if the
9 petitioner shows, by a preponderance of the evidence, that the
10 petitioner has complied with the reporting requirement for a period of
11 at least five years and that the offender has not been convicted of a
12 criminal violation of this section for a period of at least five years,
13 and the court determines that the reporting no longer serves a public
14 safety purpose. Failure to report, as specified, constitutes a
15 violation of this section and is punishable as provided in subsection
16 (11) of this section.

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

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

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

38 (a) "Sex offense" means:

1 (i) Any offense defined as a sex offense by RCW 9.94A.030;
2 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
3 minor in the second degree);
4 (iii) Any violation under RCW 9.68A.090 (communication with a minor
5 for immoral purposes);
6 (iv) Any federal or out-of-state conviction for an offense that
7 under the laws of this state would be classified as a sex offense under
8 this subsection; and
9 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
10 criminal attempt, criminal solicitation, or criminal conspiracy to
11 commit an offense that is classified as a sex offense under RCW
12 9.94A.030 or this subsection.

13 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
14 the first degree, kidnapping in the second degree, and unlawful
15 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
16 minor and the offender is not the minor's parent; (ii) any offense that
17 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
18 or criminal conspiracy to commit an offense that is classified as a
19 kidnapping offense under this subsection (10)(b); and (iii) any federal
20 or out-of-state conviction for an offense that under the laws of this
21 state would be classified as a kidnapping offense under this subsection
22 (10)(b).

23 (c) "Employed" or "carries on a vocation" means employment that is
24 full-time or part-time for a period of time exceeding fourteen days, or
25 for an aggregate period of time exceeding thirty days during any
26 calendar year. A person is employed or carries on a vocation whether
27 the person's employment is financially compensated, volunteered, or for
28 the purpose of government or educational benefit.

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

33 (11)(a) A person who knowingly fails to comply with any of the
34 requirements of this section is guilty of a class B felony if the crime
35 for which the individual was convicted was a felony sex offense as
36 defined in subsection (10)(a) of this section or a federal or out-of-
37 state conviction for an offense that under the laws of this state would

1 be a felony sex offense as defined in subsection (10)(a) of this
2 section.

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

7 (12)(a) A person who knowingly fails to comply with any of the
8 requirements of this section is guilty of a class (~~C~~) B felony if the
9 crime for which the individual was convicted was a felony kidnapping
10 offense as defined in subsection (10)(b) of this section or a federal
11 or out-of-state conviction for an offense that under the laws of this
12 state would be a felony kidnapping offense as defined in subsection
13 (10)(b) of this section.

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

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

22 NEW SECTION. Sec. 8. A new section is added to chapter 9A.76 RCW
23 to read as follows:

24 (1) A person is guilty of rendering assistance to a sex offender if
25 the person knows that a sex offender required to register under RCW
26 9A.44.130 is not complying, or has not complied, with the requirements
27 of RCW 9A.44.130 and, with the intent to assist the sex offender
28 required to register in eluding a law enforcement agency that is
29 seeking to find the sex offender to question the person about, or to
30 arrest the person for, his or her noncompliance with the requirements
31 of RCW 9A.44.130, the person:

32 (a) Withholds information from, or does not notify, the law
33 enforcement agency about the sex offender's noncompliance with the
34 requirements of RCW 9A.44.130 and, if known, the whereabouts of the sex
35 offender;

36 (b) Harbors or attempts to harbor, or assists another person in
37 harboring or attempting to harbor, the sex offender;

1 (c) Hides or attempts to hide, or assists another person in hiding
2 or attempting to hide, the sex offender; or

3 (d) Provides information to the law enforcement agency regarding
4 the sex offender which the person knows to be false information,
5 commits a felony of the third degree. This subsection (1)(d) does not
6 apply if the sex offender is incarcerated in or is in the custody of a
7 state correctional facility, a local jail, or a federal correctional
8 facility.

9 (2) Rendering assistance to a sex offender is a class C felony.

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

12 As used in RCW 9A.76.070, 9A.76.080, and 9A.76.090, a person
13 "renders criminal assistance" if, under circumstances not amounting to
14 a violation of section 8 of this act, with intent to prevent, hinder,
15 or delay the apprehension or prosecution of another person who he or
16 she knows has committed a crime or juvenile offense or is being sought
17 by law enforcement officials for the commission of a crime or juvenile
18 offense or has escaped from a detention facility, he or she:

- 19 (1) Harbors or conceals such person; or
- 20 (2) Warns such person of impending discovery or apprehension; or
- 21 (3) Provides such person with money, transportation, disguise, or
22 other means of avoiding discovery or apprehension; or
- 23 (4) Prevents or obstructs, by use of force, deception, or threat,
24 anyone from performing an act that might aid in the discovery or
25 apprehension of such person; or
- 26 (5) Conceals, alters, or destroys any physical evidence that might
27 aid in the discovery or apprehension of such person; or
- 28 (6) Provides such person with a weapon.

29 **Sec. 10.** RCW 9A.44.145 and 1998 c 139 s 2 are each amended to read
30 as follows:

- 31 (1) The state patrol shall notify:
 - 32 (a) Registered sex and kidnapping offenders of any change to the
33 registration requirements; and
 - 34 (b) No less than annually, an offender having a duty to register
35 under RCW 9A.44.130 for a sex offense or kidnapping offense committed

1 when the offender was a juvenile of their ability to petition for
2 relief from registration as provided in RCW 9A.44.140.

3 (2) For economic efficiency, the state patrol may combine the
4 notices in this section into one notice.

5 NEW SECTION. Sec. 11. This act shall be known and cited as the
6 "Jessica Lunsford Act."

7 NEW SECTION. Sec. 12. Section 6 of this act expires ninety days
8 after adjournment sine die of the 2010 legislative session.

9 NEW SECTION. Sec. 13. Section 7 of this act takes effect ninety
10 days after adjournment sine die of the 2010 legislative session."

SSB 5326 - S AMD
By Senator Benton

RULED BEYOND SCOPE 03/05/2009

11 On page 1, line 1 of the title, after "Relating to" strike the
12 remainder of the title and insert "sex offenders; amending RCW
13 10.95.020, 9.94A.540, 9A.44.130, 9A.76.050, and 9A.44.145; reenacting
14 and amending RCW 9.94A.515, 9.95.204, and 9A.44.130; adding a new
15 section to chapter 9A.76 RCW; creating new sections; prescribing
16 penalties; providing an effective date; and providing an expiration
17 date."

EFFECT: (1) The aggravated first degree murder statute is amended
to include a new aggravating circumstance that, at the time the person
committed the murder, the person was a sexually violent predator.

(2) A person convicted of rape of a child first degree or child
molestation first degree must be sentenced to a minimum term of 25
years in prison and is subject to lifetime supervision with electronic
monitoring for any period of partial confinement.

(3) When DOC or a county assumes supervisory responsibility for a misdemeanor probationer, DOC or the county must determine if the probationer is listed in the central registry of sex and kidnapping offenders.

(4) A person required to register as a sex offender must verify, twice a year, that the information required when registering remains accurate.

(5) Failure to comply with the sex offender registration requirements is a class B or a class C felony depending upon the classification of the crime for which the offender was convicted.

(6) A new crime is created for rendering assistance to a sex offender.

--- END ---