
HOUSE BILL 1977

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Rivers, Taylor, Zeiger, Dahlquist, McCune, and Kelley

Read first time 02/16/11. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to restricting sex offenders' access to schools;
2 amending RCW 9A.44.190; reenacting and amending RCW 9.94A.515; adding
3 a new section to chapter 9A.44 RCW; prescribing penalties; and
4 providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9A.44 RCW
7 to read as follows:

8 (1) A person is guilty of criminal trespass on school property by
9 a sex offender if he or she is a covered offender and knowingly enters
10 the premises of a school.

11 (2) This section does not apply if the person:

12 (a) Is eighteen years of age and is a student attending or planning
13 to attend the school; or

14 (b) Is the parent or legal guardian of a child who attends the
15 school and has written permission from the school principal or
16 administrator to enter school premises for a specified purpose,
17 including, but not limited to, attending a parent-teacher conference or
18 participating in other educational or recreational activities.

1 (3)(a) Except as provided in (b) of this subsection, criminal
2 trespass on school property by a sex offender is a class C felony.

3 (b) Criminal trespass on school property by a sex offender is a
4 class B felony if the person has previously been convicted under this
5 section.

6 **Sec. 2.** RCW 9A.44.190 and 2006 c 126 s 4 are each amended to read
7 as follows:

8 As used in this section and RCW 9A.44.193 (~~and~~), 9A.44.196, and
9 section 1 of this act:

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

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

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

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

22 (5) "Covered offender" means a person required to register under
23 RCW 9A.44.130 who is eighteen years of age or older, who is not under
24 the jurisdiction of the juvenile rehabilitation authority or currently
25 serving a special sex offender disposition alternative, whose risk
26 level classification has been assessed at a risk level II or a risk
27 level III pursuant to RCW 72.09.345, and who, at any time, has been
28 convicted of one or more of the following offenses:

29 (a) Rape of a child in the first, second, and third degree; child
30 molestation in the first, second, and third degree; indecent liberties
31 against a child under age fifteen; sexual misconduct with a minor in
32 the first and second degree; incest in the first and second degree;
33 luring with sexual motivation; possession of depictions of minors
34 engaged in sexually explicit conduct; dealing in depictions of minors
35 engaged in sexually explicit conduct; bringing into the state
36 depictions of minors engaged in sexually explicit conduct; sexual

1 exploitation of a minor; communicating with a minor for immoral
2 purposes; (~~(patronizing a juvenile prostitute)~~) commercial sexual abuse
3 of a minor;

4 (b) Any felony in effect at any time prior to March 20, 2006, that
5 is comparable to an offense listed in (a) of this subsection,
6 including, but not limited to, statutory rape in the first and second
7 (~~(degrees [degree])~~) degree and carnal knowledge;

8 (c) Any felony offense for which:

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

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

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

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

17 **Sec. 3.** RCW 9.94A.515 and 2010 c 289 s 11 and 2010 c 227 s 9 are
18 each reenacted and amended to read as follows:

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TABLE 2	
CRIMES INCLUDED WITHIN	
EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation
2 device 1 (RCW 70.74.272(1)(a))
3 Promoting Commercial Sexual Abuse
4 of a Minor (RCW 9.68A.101)
5 Rape 1 (RCW 9A.44.040)
6 Rape of a Child 1 (RCW 9A.44.073)
7 Trafficking 2 (RCW 9A.40.100(2))
8 XI Manslaughter 1 (RCW 9A.32.060)
9 Rape 2 (RCW 9A.44.050)
10 Rape of a Child 2 (RCW 9A.44.076)
11 X Child Molestation 1 (RCW 9A.44.083)
12 Criminal Mistreatment 1 (RCW
13 9A.42.020)
14 Indecent Liberties (with forcible
15 compulsion) (RCW
16 9A.44.100(1)(a))
17 Kidnapping 1 (RCW 9A.40.020)
18 Leading Organized Crime (RCW
19 9A.82.060(1)(a))
20 Malicious explosion 3 (RCW
21 70.74.280(3))
22 Sexually Violent Predator Escape
23 (RCW 9A.76.115)
24 IX Abandonment of Dependent Person 1
25 (RCW 9A.42.060)
26 Assault of a Child 2 (RCW 9A.36.130)
27 Explosive devices prohibited (RCW
28 70.74.180)
29 Hit and Run--Death (RCW
30 46.52.020(4)(a))
31 Homicide by Watercraft, by being
32 under the influence of intoxicating
33 liquor or any drug (RCW
34 79A.60.050)
35 Inciting Criminal Profiteering (RCW
36 9A.82.060(1)(b))

1 Malicious placement of an explosive 2
2 (RCW 70.74.270(2))
3 Robbery 1 (RCW 9A.56.200)
4 Sexual Exploitation (RCW 9.68A.040)
5 Vehicular Homicide, by being under
6 the influence of intoxicating liquor
7 or any drug (RCW 46.61.520)
8 VIII Arson 1 (RCW 9A.48.020)
9 Commercial Sexual Abuse of a Minor
10 (RCW 9.68A.100)
11 Homicide by Watercraft, by the
12 operation of any vessel in a
13 reckless manner (RCW
14 79A.60.050)
15 Manslaughter 2 (RCW 9A.32.070)
16 Promoting Prostitution 1 (RCW
17 9A.88.070)
18 Theft of Ammonia (RCW 69.55.010)
19 Vehicular Homicide, by the operation
20 of any vehicle in a reckless manner
21 (RCW 46.61.520)
22 VII Burglary 1 (RCW 9A.52.020)
23 Child Molestation 2 (RCW 9A.44.086)
24 Civil Disorder Training (RCW
25 9A.48.120)
26 Dealing in depictions of minor engaged
27 in sexually explicit conduct 1
28 (RCW 9.68A.050(1))
29 Drive-by Shooting (RCW 9A.36.045)
30 Homicide by Watercraft, by disregard
31 for the safety of others (RCW
32 79A.60.050)
33 Indecent Liberties (without forcible
34 compulsion) (RCW 9A.44.100(1)
35 (b) and (c))
36 Introducing Contraband 1 (RCW
37 9A.76.140)

1 Malicious placement of an explosive 3
2 (RCW 70.74.270(3))
3 Negligently Causing Death By Use of a
4 Signal Preemption Device (RCW
5 46.37.675)
6 Sending, bringing into state depictions
7 of minor engaged in sexually
8 explicit conduct 1 (RCW
9 9.68A.060(1))
10 Unlawful Possession of a Firearm in
11 the first degree (RCW 9.41.040(1))
12 Use of a Machine Gun in Commission
13 of a Felony (RCW 9.41.225)
14 Vehicular Homicide, by disregard for
15 the safety of others (RCW
16 46.61.520)
17 VI Bail Jumping with Murder 1 (RCW
18 9A.76.170(3)(a))
19 Bribery (RCW 9A.68.010)
20 Incest 1 (RCW 9A.64.020(1))
21 Intimidating a Judge (RCW 9A.72.160)
22 Intimidating a Juror/Witness (RCW
23 9A.72.110, 9A.72.130)
24 Malicious placement of an imitation
25 device 2 (RCW 70.74.272(1)(b))
26 Possession of Depictions of a Minor
27 Engaged in Sexually Explicit
28 Conduct 1 (RCW 9.68A.070(1))
29 Rape of a Child 3 (RCW 9A.44.079)
30 Theft of a Firearm (RCW 9A.56.300)
31 Unlawful Storage of Ammonia (RCW
32 69.55.020)
33 V Abandonment of Dependent Person 2
34 (RCW 9A.42.070)
35 Advancing money or property for
36 extortionate extension of credit
37 (RCW 9A.82.030)

1 Bail Jumping with class A Felony
2 (RCW 9A.76.170(3)(b))
3 Child Molestation 3 (RCW 9A.44.089)
4 Criminal Mistreatment 2 (RCW
5 9A.42.030)
6 Custodial Sexual Misconduct 1 (RCW
7 9A.44.160)
8 Dealing in Depictions of Minor
9 Engaged in Sexually Explicit
10 Conduct 2 (RCW 9.68A.050(2))
11 Domestic Violence Court Order
12 Violation (RCW 10.99.040,
13 10.99.050, 26.09.300, 26.10.220,
14 26.26.138, 26.50.110, 26.52.070,
15 or 74.34.145)
16 Driving While Under the Influence
17 (RCW 46.61.502(6))
18 Extortion 1 (RCW 9A.56.120)
19 Extortionate Extension of Credit (RCW
20 9A.82.020)
21 Extortionate Means to Collect
22 Extensions of Credit (RCW
23 9A.82.040)
24 Incest 2 (RCW 9A.64.020(2))
25 Kidnapping 2 (RCW 9A.40.030)
26 Perjury 1 (RCW 9A.72.020)
27 Persistent prison misbehavior (RCW
28 9.94.070)
29 Physical Control of a Vehicle While
30 Under the Influence (RCW
31 46.61.504(6))
32 Possession of a Stolen Firearm (RCW
33 9A.56.310)
34 Rape 3 (RCW 9A.44.060)
35 Rendering Criminal Assistance 1
36 (RCW 9A.76.070)

1 Sending, Bringing into State Depictions
2 of Minor Engaged in Sexually
3 Explicit Conduct 2 (RCW
4 9.68A.060(2))
5 Sexual Misconduct with a Minor 1
6 (RCW 9A.44.093)
7 Sexually Violating Human Remains
8 (RCW 9A.44.105)
9 Stalking (RCW 9A.46.110)
10 Taking Motor Vehicle Without
11 Permission 1 (RCW 9A.56.070)
12 IV Arson 2 (RCW 9A.48.030)
13 Assault 2 (RCW 9A.36.021)
14 Assault 3 (of a Peace Officer with a
15 Projectile Stun Gun) (RCW
16 9A.36.031(1)(h))
17 Assault by Watercraft (RCW
18 79A.60.060)
19 Bribing a Witness/Bribe Received by
20 Witness (RCW 9A.72.090,
21 9A.72.100)
22 Cheating 1 (RCW 9.46.1961)
23 Commercial Bribery (RCW 9A.68.060)
24 Counterfeiting (RCW 9.16.035(4))
25 Endangerment with a Controlled
26 Substance (RCW 9A.42.100)
27 Escape 1 (RCW 9A.76.110)
28 Hit and Run--Injury (RCW
29 46.52.020(4)(b))
30 Hit and Run with Vessel--Injury
31 Accident (RCW 79A.60.200(3))
32 Identity Theft 1 (RCW 9.35.020(2))
33 Indecent Exposure to Person Under
34 Age Fourteen (subsequent sex
35 offense) (RCW 9A.88.010)
36 Influencing Outcome of Sporting Event
37 (RCW 9A.82.070)

1 Malicious Harassment (RCW
2 9A.36.080)
3 Possession of Depictions of a Minor
4 Engaged in Sexually Explicit
5 Conduct 2 (RCW 9.68(~~1A~~))
6 A.070(2))
7 Residential Burglary (RCW
8 9A.52.025)
9 Robbery 2 (RCW 9A.56.210)
10 Theft of Livestock 1 (RCW 9A.56.080)
11 Threats to Bomb (RCW 9.61.160)
12 Trafficking in Stolen Property 1 (RCW
13 9A.82.050)
14 Unlawful factoring of a credit card or
15 payment card transaction (RCW
16 9A.56.290(4)(b))
17 Unlawful transaction of health
18 coverage as a health care service
19 contractor (RCW 48.44.016(3))
20 Unlawful transaction of health
21 coverage as a health maintenance
22 organization (RCW 48.46.033(3))
23 Unlawful transaction of insurance
24 business (RCW 48.15.023(3))
25 Unlicensed practice as an insurance
26 professional (RCW 48.17.063(2))
27 Use of Proceeds of Criminal
28 Profiteering (RCW 9A.82.080 (1)
29 and (2))
30 Vehicular Assault, by being under the
31 influence of intoxicating liquor or
32 any drug, or by the operation or
33 driving of a vehicle in a reckless
34 manner (RCW 46.61.522)
35 Viewing of Depictions of a Minor
36 Engaged in Sexually Explicit
37 Conduct 1 (RCW 9.68A.075(1))

1 Willful Failure to Return from
2 Furlough (RCW 72.66.060)
3 III Animal Cruelty 1 (Sexual Conduct or
4 Contact) (RCW 16.52.205(3))
5 Assault 3 (Except Assault 3 of a Peace
6 Officer With a Projectile Stun
7 Gun) (RCW 9A.36.031 except
8 subsection (1)(h))
9 Assault of a Child 3 (RCW 9A.36.140)
10 Bail Jumping with class B or C Felony
11 (RCW 9A.76.170(3)(c))
12 Burglary 2 (RCW 9A.52.030)
13 Communication with a Minor for
14 Immoral Purposes (RCW
15 9.68A.090)
16 Criminal Gang Intimidation (RCW
17 9A.46.120)
18 Custodial Assault (RCW 9A.36.100)
19 Cyberstalking (subsequent conviction
20 or threat of death) (RCW
21 9.61.260(3))
22 Escape 2 (RCW 9A.76.120)
23 Extortion 2 (RCW 9A.56.130)
24 Harassment (RCW 9A.46.020)
25 Intimidating a Public Servant (RCW
26 9A.76.180)
27 Introducing Contraband 2 (RCW
28 9A.76.150)
29 Malicious Injury to Railroad Property
30 (RCW 81.60.070)
31 Mortgage Fraud (RCW 19.144.080)
32 Negligently Causing Substantial Bodily
33 Harm By Use of a Signal
34 Preemption Device (RCW
35 46.37.674)
36 Organized Retail Theft 1 (RCW
37 9A.56.350(2))

1 Perjury 2 (RCW 9A.72.030)
2 Possession of Incendiary Device (RCW
3 9.40.120)
4 Possession of Machine Gun or Short-
5 Barreled Shotgun or Rifle (RCW
6 9.41.190)
7 Promoting Prostitution 2 (RCW
8 9A.88.080)
9 Retail Theft with Extenuating
10 Circumstances 1 (RCW
11 9A.56.360(2))
12 Securities Act violation (RCW
13 21.20.400)
14 Tampering with a Witness (RCW
15 9A.72.120)
16 Telephone Harassment (subsequent
17 conviction or threat of death)
18 (RCW 9.61.230(2))
19 Theft of Livestock 2 (RCW 9A.56.083)
20 Theft with the Intent to Resell 1 (RCW
21 9A.56.340(2))
22 Trafficking in Stolen Property 2 (RCW
23 9A.82.055)
24 Unlawful Imprisonment (RCW
25 9A.40.040)
26 Unlawful possession of firearm in the
27 second degree (RCW 9.41.040(2))
28 Vehicular Assault, by the operation or
29 driving of a vehicle with disregard
30 for the safety of others (RCW
31 46.61.522)
32 Willful Failure to Return from Work
33 Release (RCW 72.65.070)
34 II Computer Trespass 1 (RCW
35 9A.52.110)
36 Counterfeiting (RCW 9.16.035(3))

1 Criminal Trespass on School Property
2 by a Sex Offender (section 1(3)(b)
3 of this act)
4 Escape from Community Custody
5 (RCW 72.09.310)
6 Failure to Register as a Sex Offender
7 (second or subsequent offense)
8 (RCW 9A.44.130(11)(a))
9 Health Care False Claims (RCW
10 48.80.030)
11 Identity Theft 2 (RCW 9.35.020(3))
12 Improperly Obtaining Financial
13 Information (RCW 9.35.010)
14 Malicious Mischief 1 (RCW
15 9A.48.070)
16 Organized Retail Theft 2 (RCW
17 9A.56.350(3))
18 Possession of Stolen Property 1 (RCW
19 9A.56.150)
20 Possession of a Stolen Vehicle (RCW
21 9A.56.068)
22 Retail Theft with Extenuating
23 Circumstances 2 (RCW
24 9A.56.360(3))
25 Theft 1 (RCW 9A.56.030)
26 Theft of a Motor Vehicle (RCW
27 9A.56.065)
28 Theft of Rental, Leased, or Lease-
29 purchased Property (valued at one
30 thousand five hundred dollars or
31 more) (RCW 9A.56.096(5)(a))
32 Theft with the Intent to Resell 2 (RCW
33 9A.56.340(3))
34 Trafficking in Insurance Claims (RCW
35 48.30A.015)

1 Unlawful factoring of a credit card or
2 payment card transaction (RCW
3 9A.56.290(4)(a))
4 Unlawful Practice of Law (RCW
5 2.48.180)
6 Unlicensed Practice of a Profession or
7 Business (RCW 18.130.190(7))
8 Voyeurism (RCW 9A.44.115)
9 I Attempting to Elude a Pursuing Police
10 Vehicle (RCW 46.61.024)
11 False Verification for Welfare (RCW
12 74.08.055)
13 Forgery (RCW 9A.60.020)
14 Fraudulent Creation or Revocation of a
15 Mental Health Advance Directive
16 (RCW 9A.60.060)
17 Malicious Mischief 2 (RCW
18 9A.48.080)
19 Mineral Trespass (RCW 78.44.330)
20 Possession of Stolen Property 2 (RCW
21 9A.56.160)
22 Reckless Burning 1 (RCW 9A.48.040)
23 Taking Motor Vehicle Without
24 Permission 2 (RCW 9A.56.075)
25 Theft 2 (RCW 9A.56.040)
26 Theft of Rental, Leased, or Lease-
27 purchased Property (valued at two
28 hundred fifty dollars or more but
29 less than one thousand five
30 hundred dollars) (RCW
31 9A.56.096(5)(b))
32 Transaction of insurance business
33 beyond the scope of licensure
34 (RCW 48.17.063)
35 Unlawful Issuance of Checks or Drafts
36 (RCW 9A.56.060)

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

17 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2013.

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