

INITIATIVE 928

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 928 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to sex offenders; amending RCW 9A.44.130;
2 reenacting and amending RCW 9.94A.515; and prescribing penalties.

3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are
5 each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

- 6 XVI Aggravated Murder 1 (RCW
10.95.020)
- 7 XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW
70.74.280(1))
Murder 1 (RCW 9A.32.030)
- 8 XIV Murder 2 (RCW 9A.32.050)
Trafficking 1 (RCW 9A.40.100(1))
- 9 XIII Malicious explosion 2 (RCW
70.74.280(2))
Malicious placement of an explosive 1
(RCW 70.74.270(1))
- 10 XII Assault 1 (RCW 9A.36.011)

Assault of a Child 1 (RCW 9A.36.120)
 Malicious placement of an imitation
 device 1 (RCW 70.74.272(1)(a))
 Rape 1 (RCW 9A.44.040)
 Rape of a Child 1 (RCW 9A.44.073)
 Trafficking 2 (RCW 9A.40.100(2))
 1 XI Manslaughter 1 (RCW 9A.32.060)
 Rape 2 (RCW 9A.44.050)
 Rape of a Child 2 (RCW 9A.44.076)
 2 X Child Molestation 1 (RCW 9A.44.083)
 Indecent Liberties (with forcible
 compulsion) (RCW
 9A.44.100(1)(a))
 Kidnapping 1 (RCW 9A.40.020)
 Leading Organized Crime (RCW
 9A.82.060(1)(a))
 Malicious explosion 3 (RCW
 70.74.280(3))
 Sexually Violent Predator Escape
 (RCW 9A.76.115)
 3 IX Assault of a Child 2 (RCW 9A.36.130)
 Explosive devices prohibited (RCW
 70.74.180)
 Hit and Run--Death (RCW
 46.52.020(4)(a))
 Homicide by Watercraft, by being
 under the influence of intoxicating
 liquor or any drug (RCW
 79A.60.050)
 Inciting Criminal Profiteering (RCW
 9A.82.060(1)(b))
 Malicious placement of an explosive 2
 (RCW 70.74.270(2))
 Robbery 1 (RCW 9A.56.200)
 Sexual Exploitation (RCW 9.68A.040)
 Vehicular Homicide, by being under
 the influence of intoxicating liquor
 or any drug (RCW 46.61.520)
 4 VIII Arson 1 (RCW 9A.48.020)
 Homicide by Watercraft, by the
 operation of any vessel in a
 reckless manner (RCW
 79A.60.050)
 Manslaughter 2 (RCW 9A.32.070)

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Promoting Prostitution 1 (RCW
9A.88.070)
Theft of Ammonia (RCW 69.55.010)
Vehicular Homicide, by the operation
of any vehicle in a reckless
manner (RCW 46.61.520)

- VII Burglary 1 (RCW 9A.52.020)
Child Molestation 2 (RCW 9A.44.086)
Civil Disorder Training (RCW
9A.48.120)
Dealing in depictions of minor
engaged in sexually explicit
conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard
for the safety of others (RCW
79A.60.050)
Indecent Liberties (without forcible
compulsion) (RCW 9A.44.100(1)
(b) and (c))
Introducing Contraband 1 (RCW
9A.76.140)
Malicious placement of an explosive 3
(RCW 70.74.270(3))
Negligently Causing Death By Use of
a Signal Preemption Device
(RCW 46.37.675)
Sending, bringing into state depictions
of minor engaged in sexually
explicit conduct (RCW
9.68A.060)
Unlawful Possession of a Firearm in
the first degree (RCW
9.41.040(1))
Use of a Machine Gun in Commission
of a Felony (RCW 9.41.225)
Vehicular Homicide, by disregard for
the safety of others (RCW
46.61.520)
- VI Bail Jumping with Murder 1 (RCW
9A.76.170(3)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW
9A.72.160)

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- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of dependent person 1 (RCW 9A.42.060)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)

- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without
Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a
Projectile Stun Gun) (RCW
9A.36.031(1)(h))
- Assault by Watercraft (RCW
79A.60.060)
- Bribing a Witness/Bribe Received by
Witness (RCW 9A.72.090,
9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW
9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled
Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Failure to Register as a Sex Offender
(for the first conviction for Failure
to Register as a Sex Offender)
(RCW 9A.44.130(10)(a))
- Hit and Run--Injury (RCW
46.52.020(4)(b))
- Hit and Run with Vessel--Injury
Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under
Age Fourteen (subsequent sex
offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting
Event (RCW 9A.82.070)
- Malicious Harassment (RCW
9A.36.080)
- Residential Burglary (RCW
9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW
9A.82.050)

Unlawful factoring of a credit card or
payment card transaction (RCW
9A.56.290(4)(b))

Unlawful transaction of health
coverage as a health care service
contractor (RCW 48.44.016(3))

Unlawful transaction of health
coverage as a health maintenance
organization (RCW 48.46.033(3))

Unlawful transaction of insurance
business (RCW 48.15.023(3))

Unlicensed practice as an insurance
professional (RCW 48.17.063(3))

Use of Proceeds of Criminal
Profiteering (RCW 9A.82.080 (1)
and (2))

Vehicular Assault, by being under the
influence of intoxicating liquor or
any drug, or by the operation or
driving of a vehicle in a reckless
manner (RCW 46.61.522)

Willful Failure to Return from
Furlough (RCW 72.66.060)

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III Abandonment of dependent person 2
(RCW 9A.42.070)

Assault 3 (Except Assault 3 of a Peace
Officer With a Projectile Stun
Gun) (RCW 9A.36.031 except
subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony
(RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for
Immoral Purposes (RCW
9.68A.090)

Criminal Gang Intimidation (RCW
9A.46.120)

Criminal Mistreatment 2 (RCW
9A.42.030)

Custodial Assault (RCW 9A.36.100)

Cyberstalking (subsequent conviction
or threat of death) (RCW
9.61.260(3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW
9A.76.180)
Introducing Contraband 2 (RCW
9A.76.150)
Malicious Injury to Railroad Property
(RCW 81.60.070)
Negligently Causing Substantial Bodily
Harm By Use of a Signal
Preemption Device (RCW
46.37.674)
Patronizing a Juvenile Prostitute
(RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW
9.40.120)
Possession of Machine Gun or Short-
Barreled Shotgun or Rifle (RCW
9.41.190)
Promoting Prostitution 2 (RCW
9A.88.080)
Securities Act violation (RCW
21.20.400)
Tampering with a Witness (RCW
9A.72.120)
Telephone Harassment (subsequent
conviction or threat of death)
(RCW 9.61.230(2))
Theft of Livestock 2 (RCW 9A.56.083)
Trafficking in Stolen Property 2 (RCW
9A.82.055)
Unlawful Imprisonment (RCW
9A.40.040)
Unlawful possession of firearm in the
second degree (RCW 9.41.040(2))
Vehicular Assault, by the operation or
driving of a vehicle with disregard
for the safety of others (RCW
46.61.522)
Willful Failure to Return from Work
Release (RCW 72.65.070)

II Computer Trespass 1 (RCW
9A.52.110)
Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody
(RCW 72.09.310)

Health Care False Claims (RCW
48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial
Information (RCW 9.35.010)

Malicious Mischief 1 (RCW
9A.48.070)

Possession of Stolen Property 1 (RCW
9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-
purchased Property (valued at one
thousand five hundred dollars or
more) (RCW 9A.56.096(5)(a))

Trafficking in Insurance Claims (RCW
48.30A.015)

Unlawful factoring of a credit card or
payment card transaction (RCW
9A.56.290(4)(a))

Unlawful Practice of Law (RCW
2.48.180)

Unlicensed Practice of a Profession or
Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police
Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW
74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a
Mental Health Advance Directive
(RCW 9A.60.060)

Malicious Mischief 2 (RCW
9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW
9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without
Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-
purchased Property (valued at two
hundred fifty dollars or more but
less than one thousand five
hundred dollars) (RCW
9A.56.096(5)(b))
Transaction of insurance business
beyond the scope of licensure
(RCW 48.17.063(4))
Unlawful Issuance of Checks or Drafts
(RCW 9A.56.060)
Unlawful Possession of Fictitious
Identification (RCW 9A.56.320)
Unlawful Possession of Instruments of
Financial Fraud (RCW
9A.56.320)
Unlawful Possession of Payment
Instruments (RCW 9A.56.320)
Unlawful Possession of a Personal
Identification Device (RCW
9A.56.320)
Unlawful Production of Payment
Instruments (RCW 9A.56.320)
Unlawful Trafficking in Food Stamps
(RCW 9.91.142)
Unlawful Use of Food Stamps (RCW
9.91.144)
Vehicle Prowl 1 (RCW 9A.52.095)

1 **Sec. 2.** RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read
2 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (2) This section may not be construed to confer any powers pursuant
21 to RCW (~~(4.24.500)~~) 4.24.550 upon the public safety department of any
22 public or private school or institution of higher education.

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

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

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

38 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
39 offense on, before, or after February 28, 1990, and who, on or after

1 July 28, 1991, are in custody, as a result of that offense, of the
2 state department of corrections, the state department of social and
3 health services, a local division of youth services, or a local jail or
4 juvenile detention facility, and (B) kidnapping offenders who on or
5 after July 27, 1997, are in custody of the state department of
6 corrections, the state department of social and health services, a
7 local division of youth services, or a local jail or juvenile detention
8 facility, must register at the time of release from custody with an
9 official designated by the agency that has jurisdiction over the
10 offender. The agency shall within three days forward the registration
11 information to the county sheriff for the county of the offender's
12 anticipated residence. The offender must also register within twenty-
13 four hours from the time of release with the county sheriff for the
14 county of the person's 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 agency that has jurisdiction over the offender shall
17 provide notice to the offender of the duty to register. Failure to
18 register at the time of release and within twenty-four hours of release
19 constitutes a violation of this section and is punishable as provided
20 in subsection (10) of this section.

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

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

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

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

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

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

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

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

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

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

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

38 (b) Failure to register within the time required under this section
39 constitutes a per se violation of this section and is punishable as

1 provided in subsection (10) of this section. The county sheriff shall
2 not be required to determine whether the person is living within the
3 county.

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

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

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

37 (b) It is an affirmative defense to a charge that the person failed
38 to send a notice at least fourteen days in advance of moving as
39 required under (a) of this subsection that the person did not know the

1 location of his or her new residence at least fourteen days before
2 moving. The defendant must establish the defense by a preponderance of
3 the evidence and, to prevail on the defense, must also prove by a
4 preponderance that the defendant sent the required notice within
5 twenty-four hours of determining the new address.

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

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

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

35 (7) A sex offender subject to registration requirements under this
36 section who applies to change his or her name under RCW 4.24.130 or any
37 other law shall submit a copy of the application to the county sheriff
38 of the county of the person's residence and to the state patrol not
39 fewer than five days before the entry of an order granting the name

1 change. No sex offender under the requirement to register under this
2 section at the time of application shall be granted an order changing
3 his or her name if the court finds that doing so will interfere with
4 legitimate law enforcement interests, except that no order shall be
5 denied when the name change is requested for religious or legitimate
6 cultural reasons or in recognition of marriage or dissolution of
7 marriage. A sex offender under the requirement to register under this
8 section who receives an order changing his or her name shall submit a
9 copy of the order to the county sheriff of the county of the person's
10 residence and to the state patrol within five days of the entry of the
11 order.

12 (8) The county sheriff shall obtain a photograph of the individual
13 and shall obtain a copy of the individual's fingerprints.

14 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
15 70.48.470, and 72.09.330:

16 (a) "Sex offense" means:

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

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

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

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

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

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

1 (c) "Employed" or "carries on a vocation" means employment that is
2 full-time or part-time for a period of time exceeding fourteen days, or
3 for an aggregate period of time exceeding thirty days during any
4 calendar year. A person is employed or carries on a vocation whether
5 the person's employment is financially compensated, volunteered, or for
6 the purpose of government or educational benefit.

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

11 (10)(a) A person who knowingly fails to register with the county
12 sheriff or notify the county sheriff, or who changes his or her name
13 without notifying the county sheriff and the state patrol, as required
14 by this section is guilty of a class ((C)) A felony if the crime for
15 which the individual was convicted was a felony sex offense as defined
16 in subsection (9)(a) of this section or a federal or out-of-state
17 conviction for an offense that under the laws of this state would be a
18 felony sex offense as defined in subsection (9)(a) of this section.
19 The mandatory minimum term for any sex offender who fails to register
20 under this subsection (10)(a), is ten years in prison for the first
21 conviction for failure to register as a sex offender, and twenty years
22 for the second conviction for failure to register as a sex offender.

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

27 (11)(a) A person who knowingly fails to register or who moves
28 within the state without notifying the county sheriff as required by
29 this section is guilty of a class C felony if the crime for which the
30 individual was convicted was a felony kidnapping offense as defined in
31 subsection (9)(b) of this section or a federal or out-of-state
32 conviction for an offense that under the laws of this state would be a
33 felony kidnapping offense as defined in subsection (9)(b) of this
34 section.

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

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

5 (13) Any sex offender who registers as "transient" or with "no
6 known address" or who is ranked at a level 3 shall be required to
7 submit to electronic monitoring using a global positioning system for
8 the entire duration of registration. The system must actively monitor,
9 identify, and timely report the offender's location.

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