
SENATE BILL 6561

State of Washington 60th Legislature 2008 Regular Session

By Senators Honeyford, Swecker, Holmquist, Stevens, and McCaslin

Read first time 01/18/08. Referred to Committee on Judiciary.

1 AN ACT Relating to registration of drug offenders; amending RCW
2 69.50.101, 10.01.200, 70.48.470, and 72.09.330; reenacting and amending
3 RCW 9.94A.515; adding new sections to chapter 69.50 RCW; adding a new
4 section to chapter 43.43 RCW; adding a new section to chapter 4.24 RCW;
5 prescribing penalties; and making appropriations.

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

7 **Sec. 1.** RCW 69.50.101 and 2003 c 142 s 4 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, definitions of terms
10 shall be as indicated where used in this chapter:

11 (a) "Administer" means to apply a controlled substance, whether by
12 injection, inhalation, ingestion, or any other means, directly to the
13 body of a patient or research subject by:

14 (1) a practitioner authorized to prescribe (or, by the
15 practitioner's authorized agent); or

16 (2) the patient or research subject at the direction and in the
17 presence of the practitioner.

18 (b) "Agent" means an authorized person who acts on behalf of or at

1 the direction of a manufacturer, distributor, or dispenser. It does
2 not include a common or contract carrier, public warehouseperson, or
3 employee of the carrier or warehouseperson.

4 (c) "Board" means the state board of pharmacy.

5 (d) "Controlled substance" means a drug, substance, or immediate
6 precursor included in Schedules I through V as set forth in federal or
7 state laws, or federal or board rules.

8 (e)(1) "Controlled substance analog" means a substance the chemical
9 structure of which is substantially similar to the chemical structure
10 of a controlled substance in Schedule I or II and:

11 (i) that has a stimulant, depressant, or hallucinogenic effect on
12 the central nervous system substantially similar to the stimulant,
13 depressant, or hallucinogenic effect on the central nervous system of
14 a controlled substance included in Schedule I or II; or

15 (ii) with respect to a particular individual, that the individual
16 represents or intends to have a stimulant, depressant, or
17 hallucinogenic effect on the central nervous system substantially
18 similar to the stimulant, depressant, or hallucinogenic effect on the
19 central nervous system of a controlled substance included in Schedule
20 I or II.

21 (2) The term does not include:

22 (i) a controlled substance;

23 (ii) a substance for which there is an approved new drug
24 application;

25 (iii) a substance with respect to which an exemption is in effect
26 for investigational use by a particular person under Section 505 of the
27 federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent
28 conduct with respect to the substance is pursuant to the exemption; or

29 (iv) any substance to the extent not intended for human consumption
30 before an exemption takes effect with respect to the substance.

31 (f) "Deliver" or "delivery," means the actual or constructive
32 transfer from one person to another of a substance, whether or not
33 there is an agency relationship.

34 (g) "Department" means the department of health.

35 (h) "Dispense" means the interpretation of a prescription or order
36 for a controlled substance and, pursuant to that prescription or order,
37 the proper selection, measuring, compounding, labeling, or packaging
38 necessary to prepare that prescription or order for delivery.

1 (i) "Dispenser" means a practitioner who dispenses.

2 (j) "Distribute" means to deliver other than by administering or
3 dispensing a controlled substance.

4 (k) "Distributor" means a person who distributes.

5 (l) "Drug" means (1) a controlled substance recognized as a drug in
6 the official United States pharmacopoeia/national formulary or the
7 official homeopathic pharmacopoeia of the United States, or any
8 supplement to them; (2) controlled substances intended for use in the
9 diagnosis, cure, mitigation, treatment, or prevention of disease in
10 individuals or animals; (3) controlled substances (other than food)
11 intended to affect the structure or any function of the body of
12 individuals or animals; and (4) controlled substances intended for use
13 as a component of any article specified in (1), (2), or (3) of this
14 subsection. The term does not include devices or their components,
15 parts, or accessories.

16 (m) "Drug enforcement administration" means the drug enforcement
17 administration in the United States Department of Justice, or its
18 successor agency.

19 (n) "Drug offender" means a person convicted, or found not guilty
20 by reason of insanity, of: (1) A felony violation of this chapter; (2)
21 any offense defined as a felony under federal law that relates to the
22 possession, manufacture, distribution, or transportation of a
23 controlled substance; or (3) any out-of-state conviction for an offense
24 that under the laws of this state would be a felony violation of this
25 chapter.

26 (o) "Drug offense" means:

27 (1) Any felony violation of this chapter;

28 (2) Any offense defined as a felony under federal law that relates
29 to the possession, manufacture, distribution, or transportation of a
30 controlled substance; or

31 (3) Any out-of-state conviction for an offense that under the laws
32 of this state would be a felony violation of this chapter.

33 (p) "Immediate precursor" means a substance:

34 (1) that the state board of pharmacy has found to be and by rule
35 designates as being the principal compound commonly used, or produced
36 primarily for use, in the manufacture of a controlled substance;

37 (2) that is an immediate chemical intermediary used or likely to be
38 used in the manufacture of a controlled substance; and

1 (3) the control of which is necessary to prevent, curtail, or limit
2 the manufacture of the controlled substance.

3 ~~((+o+))~~ (q) "Isomer" means an optical isomer, but in RCW
4 69.50.101(r)(5), 69.50.204(a) (12) and (34), and 69.50.206(a)(4), the
5 term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42),
6 and 69.50.210(c) the term includes any positional isomer; and in RCW
7 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any
8 positional or geometric isomer.

9 ~~((+p+))~~ (r) "Manufacture" means the production, preparation,
10 propagation, compounding, conversion, or processing of a controlled
11 substance, either directly or indirectly or by extraction from
12 substances of natural origin, or independently by means of chemical
13 synthesis, or by a combination of extraction and chemical synthesis,
14 and includes any packaging or repackaging of the substance or labeling
15 or relabeling of its container. The term does not include the
16 preparation, compounding, packaging, repackaging, labeling, or
17 relabeling of a controlled substance:

18 (1) by a practitioner as an incident to the practitioner's
19 administering or dispensing of a controlled substance in the course of
20 the practitioner's professional practice; or

21 (2) by a practitioner, or by the practitioner's authorized agent
22 under the practitioner's supervision, for the purpose of, or as an
23 incident to, research, teaching, or chemical analysis and not for sale.

24 ~~((+q+))~~ (s) "Marijuana" or "marihuana" means all parts of the plant
25 Cannabis, whether growing or not; the seeds thereof; the resin
26 extracted from any part of the plant; and every compound, manufacture,
27 salt, derivative, mixture, or preparation of the plant, its seeds or
28 resin. The term does not include the mature stalks of the plant, fiber
29 produced from the stalks, oil or cake made from the seeds of the plant,
30 any other compound, manufacture, salt, derivative, mixture, or
31 preparation of the mature stalks (except the resin extracted
32 therefrom), fiber, oil, or cake, or the sterilized seed of the plant
33 which is incapable of germination.

34 ~~((+r+))~~ (t) "Narcotic drug" means any of the following, whether
35 produced directly or indirectly by extraction from substances of
36 vegetable origin, or independently by means of chemical synthesis, or
37 by a combination of extraction and chemical synthesis:

1 (1) Opium, opium derivative, and any derivative of opium or opium
2 derivative, including their salts, isomers, and salts of isomers,
3 whenever the existence of the salts, isomers, and salts of isomers is
4 possible within the specific chemical designation. The term does not
5 include the isoquinoline alkaloids of opium.

6 (2) Synthetic opiate and any derivative of synthetic opiate,
7 including their isomers, esters, ethers, salts, and salts of isomers,
8 esters, and ethers, whenever the existence of the isomers, esters,
9 ethers, and salts is possible within the specific chemical designation.

10 (3) Poppy straw and concentrate of poppy straw.

11 (4) Coca leaves, except coca leaves and extracts of coca leaves
12 from which cocaine, ecgonine, and derivatives or ecgonine or their
13 salts have been removed.

14 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

15 (6) Cocaine base.

16 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
17 thereof.

18 (8) Any compound, mixture, or preparation containing any quantity
19 of any substance referred to in subparagraphs (1) through (7).

20 (~~(s)~~) (u) "Opiate" means any substance having an addiction-
21 forming or addiction-sustaining liability similar to morphine or being
22 capable of conversion into a drug having addiction-forming or
23 addiction-sustaining liability. The term includes opium, substances
24 derived from opium (opium derivatives), and synthetic opiates. The
25 term does not include, unless specifically designated as controlled
26 under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-
27 methylmorphinan and its salts (dextromethorphan). The term includes
28 the racemic and levorotatory forms of dextromethorphan.

29 (~~(t)~~) (v) "Opium poppy" means the plant of the species *Papaver*
30 *somniferum* L., except its seeds.

31 (~~(u)~~) (w) "Person" means individual, corporation, business trust,
32 estate, trust, partnership, association, joint venture, government,
33 governmental subdivision or agency, or any other legal or commercial
34 entity.

35 (~~(v)~~) (x) "Poppy straw" means all parts, except the seeds, of the
36 opium poppy, after mowing.

37 (~~(w)~~) (y) "Practitioner" means:

1 (1) A physician under chapter 18.71 RCW, a physician assistant
2 under chapter 18.71A RCW, an osteopathic physician and surgeon under
3 chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who
4 is certified by the optometry board under RCW 18.53.010 subject to any
5 limitations in RCW 18.53.010, a dentist under chapter 18.32 RCW, a
6 podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian
7 under chapter 18.92 RCW, a registered nurse, advanced registered nurse
8 practitioner, or licensed practical nurse under chapter 18.79 RCW, a
9 pharmacist under chapter 18.64 RCW or a scientific investigator under
10 this chapter, licensed, registered or otherwise permitted insofar as is
11 consistent with those licensing laws to distribute, dispense, conduct
12 research with respect to or administer a controlled substance in the
13 course of their professional practice or research in this state.

14 (2) A pharmacy, hospital or other institution licensed, registered,
15 or otherwise permitted to distribute, dispense, conduct research with
16 respect to or to administer a controlled substance in the course of
17 professional practice or research in this state.

18 (3) A physician licensed to practice medicine and surgery, a
19 physician licensed to practice osteopathic medicine and surgery, a
20 dentist licensed to practice dentistry, a podiatric physician and
21 surgeon licensed to practice podiatric medicine and surgery, or a
22 veterinarian licensed to practice veterinary medicine in any state of
23 the United States.

24 (~~(x)~~) (z) "Prescription" means an order for controlled substances
25 issued by a practitioner duly authorized by law or rule in the state of
26 Washington to prescribe controlled substances within the scope of his
27 or her professional practice for a legitimate medical purpose.

28 (~~(y)~~) (aa) "Production" includes the manufacturing, planting,
29 cultivating, growing, or harvesting of a controlled substance.

30 (~~(z)~~) (bb) "Secretary" means the secretary of health or the
31 secretary's designee.

32 (~~(aa)~~) (cc) "State," unless the context otherwise requires, means
33 a state of the United States, the District of Columbia, the
34 Commonwealth of Puerto Rico, or a territory or insular possession
35 subject to the jurisdiction of the United States.

36 (~~(bb)~~) (dd) "Ultimate user" means an individual who lawfully
37 possesses a controlled substance for the individual's own use or for

1 the use of a member of the individual's household or for administering
2 to an animal owned by the individual or by a member of the individual's
3 household.

4 ~~((ee))~~ (ee) "Electronic communication of prescription
5 information" means the communication of prescription information by
6 computer, or the transmission of an exact visual image of a
7 prescription by facsimile, or other electronic means for original
8 prescription information or prescription refill information for a
9 Schedule III-V controlled substance between an authorized practitioner
10 and a pharmacy or the transfer of prescription information for a
11 controlled substance from one pharmacy to another pharmacy.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 69.50 RCW
13 to read as follows:

14 (1)(a) A drug offender who resides, whether or not the offender has
15 a fixed residence, in this state, or who is a student, is employed, or
16 carries on a vocation in this state, shall register with the county
17 sheriff for the county of the person's residence, or if the person is
18 not a resident of this state, the county of the person's school, place
19 of employment or vocation, or as otherwise specified in this section.

20 (b) A drug offender who lacks a fixed residence and is under the
21 supervision of the state department of corrections shall also register
22 in the county of his or her supervision if he or she is not already
23 required to do so under (a) of this subsection.

24 (c) A drug offender required to register under this section shall
25 do so in person.

26 (2)(a) A drug offender who has a fixed residence shall provide the
27 following information when registering:

- 28 (i) Name;
- 29 (ii) Complete residential address;
- 30 (iii) Date and place of birth;
- 31 (iv) Place of employment;
- 32 (v) Drug offense for which convicted;
- 33 (vi) Date and location of conviction;
- 34 (vii) Aliases used;
- 35 (viii) Social security number;
- 36 (ix) Photograph; and
- 37 (x) Fingerprints.

1 (b) A drug offender who lacks a fixed residence shall provide the
2 following information when registering:

- 3 (i) Name;
- 4 (ii) Where he or she plans to stay;
- 5 (iii) Date and place of birth;
- 6 (iv) Place of employment;
- 7 (v) Drug offense for which convicted;
- 8 (vi) Date and location of conviction;
- 9 (vii) Aliases used;
- 10 (viii) Social security number;
- 11 (ix) Photograph; and
- 12 (x) Fingerprints.

13 (3)(a) A drug offender shall register with the county sheriff
14 subject to the following deadlines and restrictions:

15 (i) OFFENDERS IN CUSTODY. A drug offender who is in the custody of
16 the United States bureau of prisons or other federal or military
17 correctional agency, the state department of corrections, the state
18 department of social and health services, a local division of youth
19 services, or a local jail or juvenile detention facility, for a drug
20 offense, shall register within twenty-four hours of the time of release
21 with the county sheriff for the county of the offender's residence, or
22 if the person is not a resident of this state, the county of the
23 offender's school or place of employment or vocation. A state or local
24 agency that has jurisdiction over the offender shall provide notice to
25 the offender of the duty to register.

26 (ii) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. A drug offender
27 who is convicted of a drug offense, but who is not sentenced to serve
28 a term of confinement immediately upon sentencing, shall report to the
29 county sheriff to register immediately upon completion of being
30 sentenced.

31 (iii) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
32 RESIDENTS. A drug offender who moves to Washington state from another
33 state or a foreign country who is not under the jurisdiction of the
34 state department of corrections at the time of moving to Washington
35 must register within ten days of establishing residence or
36 reestablishing residence if the offender is a former Washington
37 resident. A drug offender from another state or a foreign country who,
38 when the offender moves to Washington, is under the jurisdiction of the

1 state department of corrections must register within twenty-four hours
2 of moving to Washington. The agency that has jurisdiction over the
3 offender shall notify the offender of the registration requirements
4 before the offender moves to Washington. It is an affirmative defense
5 to a charge that a person failed to register within the deadlines in
6 this subsection (3)(a)(iii) that: (A) The person was not under the
7 jurisdiction of the state department of corrections at the time of
8 moving to Washington; (B) the person was unaware of his or her duty to
9 register; (C) it was reasonable for the person to be unaware of his or
10 her duty to register; and (D) the person registered within twenty-four
11 hours of receiving notice of his or her duty to register from a law
12 enforcement official. The defendant must establish the defense by a
13 preponderance of the evidence.

14 (iv) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. A drug
15 offender who has been found not guilty by reason of insanity under
16 chapter 10.77 RCW of committing a drug offense and who, on or after the
17 effective date of this act, is in custody, as a result of that finding,
18 of the state department of social and health services must register
19 within twenty-four hours from the time of release with the county
20 sheriff for the county of the person's residence. The state department
21 of social and health services shall provide notice to the drug offender
22 in its custody of the duty to register.

23 (v) OFFENDERS WHO LACK A FIXED RESIDENCE. Any drug offender who
24 lacks a fixed residence and leaves the county in which he or she is
25 registered and enters and remains within a new county for twenty-four
26 hours is required to register with the county sheriff not more than
27 twenty-four hours after entering the county and provide the information
28 required in subsection (2)(b) of this section.

29 (vi) OFFENDERS WHO MOVE TO, OR WORK, CARRY ON A VOCATION, OR ATTEND
30 SCHOOL IN, ANOTHER STATE. A drug offender required to register in
31 Washington, who moves to another state, must send written notice within
32 ten days of moving to the new state or to a foreign country to the
33 county sheriff with whom the person last registered in Washington
34 state.

35 (vii) ALL OTHER OFFENDERS. A drug offender who is not subject to
36 one of the deadlines in (a)(i) through (vi) of this subsection shall
37 register no later than thirty days after the effective date of this
38 act. It is an affirmative defense to a charge of failure to register

1 under this section that (A) the charge of failure to register is based
2 solely on an out-of-state conviction that would require a person to
3 register in Washington if he or she had been convicted in Washington;
4 (B) the person who is charged works, carries on a vocation, or attends
5 school in Washington but resides in another state; (C) the person was
6 unaware of his or her duty to register in Washington; (D) it was
7 reasonable for the person to be unaware of his or her duty to register
8 in Washington; and (E) the person registered in Washington within
9 twenty-four hours of receiving notice of his or her duty to register
10 from a law enforcement official. The defendant must establish the
11 defense by a preponderance of the evidence.

12 (b) Failure to register within the deadlines required under this
13 section constitutes a per se violation of this section and is
14 punishable under subsection (8) of this section. The county sheriff is
15 not required to determine whether the person is living within the
16 county.

17 (c) An arrest on charges of failure to register, service of an
18 information, or a complaint for a violation of this section, or
19 arraignment on charges for a violation of this section, constitutes
20 actual notice of the duty to register. Any person charged with the
21 crime of failure to register under this section who asserts as a
22 defense the lack of notice of the duty to register shall register
23 immediately following actual notice of the duty through arrest,
24 service, or arraignment. Failure to register as required under this
25 subsection (3)(c) constitutes grounds for filing another charge of
26 failing to register. Registering following arrest, service, or
27 arraignment on charges shall not relieve the offender from criminal
28 liability for failure to register prior to the filing of the original
29 charge.

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

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

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

17 (5)(a) Any person required to register under this section who lacks
18 a fixed residence shall provide written notice to the sheriff of the
19 county where he or she last registered within forty-eight hours
20 excluding weekends and holidays after ceasing to have a fixed
21 residence. The notice shall include the information required by
22 subsection (2)(b) of this section, except the photograph and
23 fingerprints. The county sheriff may, for reasonable cause, require
24 the offender to provide a photograph and fingerprints. The sheriff
25 shall forward this information to the sheriff of the county in which
26 the person intends to reside, if the person intends to reside in
27 another county.

28 (b) A person who lacks a fixed residence must report weekly, in
29 person, to the sheriff of the county where he or she is registered.
30 The weekly report shall be on a day specified by the county sheriff's
31 office and shall occur during normal business hours. The county
32 sheriff's office may require the person to list the locations where the
33 person has stayed during the last seven days.

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

1 fixed residence and has subsequently complied with the requirements of
2 this subsection and subsection (3)(a)(vi) or (vii) of this section. To
3 prevail, the person must prove the defense by a preponderance of the
4 evidence.

5 (6) A drug 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 drug offender subject to the requirement to register under
11 this section at the time of application shall be granted an order
12 changing his or her name if the court finds that doing so will
13 interfere with legitimate law enforcement interests, except that no
14 order shall be denied when the name change is requested for religious
15 or legitimate cultural reasons or in recognition of marriage or
16 dissolution of marriage. A drug offender under the requirement to
17 register under this section who receives an order changing his or her
18 name shall submit a copy of the order to the county sheriff of the
19 county of the person's residence and to the state patrol within five
20 days of the entry of the order.

21 (7) For the purposes of this section:

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

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

32 (8)(a) A person who knowingly fails to register with the county
33 sheriff or notify the county sheriff, or who changes his or her name
34 without notifying the county sheriff and the state patrol, as required
35 by this section, is guilty of a class C felony.

36 (b) Unless the person is relieved of the duty to register under
37 section 4 of this act, a violation of this section is an ongoing
38 offense for purposes of the statute of limitations under RCW 9A.04.080.

1 (9) The requirements of this section apply to a drug offender who
2 commits a drug offense on or after the effective date of this act.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 69.50 RCW
4 to read as follows:

5 (1) A drug offender may only be relieved of the duty to register
6 imposed under section 2 of this act by petitioning the superior court
7 under subsection (2) or (3) of this section.

8 (2) A drug offender having a duty to register under section 2 of
9 this act for an offense committed when the offender was an adult may
10 petition the superior court to be relieved of that duty, if the person
11 has spent ten consecutive years in the community without being
12 convicted of any new offenses. The court shall consider the nature of
13 the registrable offense committed, and the criminal and relevant
14 noncriminal behavior of the petitioner both before and after
15 conviction, and may consider other factors.

16 (a) The petition shall be made to the court in which the petitioner
17 was convicted, or found not guilty by reason of insanity, of the
18 offense that subjects him or her to the duty to register, or, in the
19 case of convictions in other states, a foreign country, or a federal or
20 military court, to the court in Thurston county. The prosecuting
21 attorney of the county shall be named and served as the respondent in
22 any such petition.

23 (b) The court may relieve the petitioner of the duty to register
24 only if the petitioner shows, with clear and convincing evidence, that
25 future registration of the petitioner will not serve the purposes of
26 this act.

27 (3) A drug offender having a duty to register under section 2 of
28 this act for an offense committed when the offender was a juvenile may
29 petition the superior court, at any time after adjudication, to be
30 relieved of that duty. The court shall consider the nature of the
31 registrable offense committed, and the criminal and relevant
32 noncriminal behavior of the petitioner both before and after
33 adjudication, and may consider other factors.

34 (a) The petition must be made in the manner required by subsection
35 (2)(a) of this section.

36 (b) The court may relieve the petitioner of the duty to register if

1 the petitioner shows, with clear and convincing evidence, that future
2 registration of the petitioner will not serve the purposes of this act.

3 (c) This subsection shall not apply to juveniles prosecuted as
4 adults.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43 RCW
6 to read as follows:

7 The county sheriff shall forward the information, photographs, and
8 fingerprints obtained pursuant to section 2 of this act, including any
9 notice of change of address, to the Washington state patrol within five
10 working days; and the Washington state patrol shall forward the
11 information necessary to operate the registered drug offender web site
12 described in section 9 of this act to the Washington association of
13 sheriffs and police chiefs within five working days of receiving the
14 information, including any notice of change of address. The state
15 patrol shall maintain a central registry of drug offenders required to
16 register under section 2 of this act and shall adopt rules consistent
17 with this chapter and chapters 10.97 and 10.98 RCW as are necessary to
18 carry out the purposes of this act. The Washington state patrol shall
19 reimburse the counties for the costs of processing the offender
20 registration, including taking the fingerprints and the photographs.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 69.50 RCW
22 to read as follows:

23 (1) When an offender registers with the county sheriff pursuant to
24 section 2 of this act, the county sheriff shall notify the chief law
25 enforcement officer, if any, of the jurisdiction in which the offender
26 has registered to live. If the offender registers to live in an
27 unincorporated area of the county, the sheriff shall make reasonable
28 attempts to verify that the offender is residing at the registered
29 address. If the offender registers to live in an incorporated city or
30 town, the chief law enforcement officer of the city or town shall make
31 reasonable attempts to verify that the offender is residing at the
32 registered address.

33 (2)(a) For purposes of this section, "reasonable attempts" shall
34 include at a minimum sending by certified mail, with return receipt
35 requested, a nonforwardable annual verification form to the offender at
36 the offender's last registered address.

1 (b) The offender must sign the verification form, state on the form
2 whether he or she still resides at the last registered address, and
3 return the form to the chief law enforcement officer of the
4 jurisdiction where the offender is registered to live within ten days
5 after receipt of the form.

6 (3) The chief law enforcement officer of the jurisdiction where the
7 offender has registered to live, or the county sheriff if the offender
8 has registered in an unincorporated area, shall make reasonable
9 attempts to locate any drug offender who fails to return the
10 verification form or who cannot be located at the registered address.

11 (4) When an offender notifies the county sheriff of a change to his
12 or her residence address pursuant to section 3 of this act, and the new
13 address is in a different law enforcement jurisdiction, the county
14 sheriff shall notify the chief law enforcement officer of the
15 jurisdiction from which the offender has moved.

16 **Sec. 6.** RCW 10.01.200 and 1997 c 113 s 5 are each amended to read
17 as follows:

18 The court shall provide written notification to any defendant
19 charged with a sex offense or kidnapping offense of the registration
20 requirements of RCW 9A.44.130. The court shall provide written notice
21 to any defendant charged with a drug offense as defined in RCW
22 69.50.101 of the registration requirements of section 2 of this act.
23 Such notice shall be included on any guilty plea forms and judgment and
24 sentence forms provided to the defendant.

25 **Sec. 7.** RCW 70.48.470 and 2000 c 91 s 4 are each amended to read
26 as follows:

27 (1)(a) A person having charge of a jail shall:

28 (i) Notify in writing any confined person who is in the custody of
29 the jail for a conviction of a sex offense as defined in RCW 9.94A.030
30 or a kidnapping offense as defined in RCW 9A.44.130 of the registration
31 requirements of RCW 9A.44.130 at the time of the inmate's release from
32 confinement, and shall obtain written acknowledgment of such
33 notification; and

34 (ii) Notify in writing any confined person who is in the custody of
35 the jail for a conviction of a drug offense as defined in RCW 69.50.101

1 of the registration requirements of section 2 of this act at the time
2 of the inmate's release from confinement, and shall obtain written
3 acknowledgment of such notification.

4 (b) The person having charge of the jail shall also obtain from the
5 inmate the county of the inmate's residence upon release from jail and,
6 where applicable, the city.

7 (2)(a) When a sex offender or a person convicted of a kidnapping
8 offense as defined in RCW 9A.44.130 under local government jurisdiction
9 will reside in a county other than the county of conviction upon
10 discharge or release, the chief law enforcement officer of the jail or
11 his or her designee shall give notice of the inmate's discharge or
12 release to the sheriff of the county and, where applicable, to the
13 police chief of the city where the offender will reside.

14 (b) When an offender convicted of a drug offense as defined in RCW
15 69.50.101 under local government jurisdiction will reside in a county
16 other than the county of conviction upon discharge or release, the
17 chief law enforcement officer of the jail or his or her designee shall
18 give notice of the inmate's discharge or release to the sheriff of the
19 county where the offender will reside.

20 **Sec. 8.** RCW 72.09.330 and 1997 c 113 s 8 are each amended to read
21 as follows:

22 (1) The department shall:

23 (a) Provide written notification to an inmate convicted of a sex
24 offense or kidnapping offense of the registration requirements of RCW
25 9A.44.130 at the time of the inmate's release from confinement and
26 shall receive and retain a signed acknowledgement of receipt; and

27 (b) Provide written notification to an inmate convicted of a drug
28 offense as defined in RCW 69.50.101 of the registration requirements of
29 section 2 of this act at the time of the inmate's release from
30 confinement and shall receive and retain a signed acknowledgement of
31 receipt.

32 (2) The department shall:

33 (a) Provide written notification to an individual convicted of a
34 sex offense or kidnapping offense from another state of the
35 registration requirements of RCW 9A.44.130 at the time the department
36 accepts supervision and has legal authority of the individual under the

1 terms and conditions of the interstate compact agreement under RCW
2 9.95.270; and

3 (b) Provide written notification to an individual convicted of a
4 drug offense as defined in RCW 69.50.101 from another state of the
5 registration requirements of section 2 of this act at the time the
6 department accepts supervision and has legal authority of the
7 individual under the terms and conditions of the interstate compact
8 agreement under RCW 9.95.270.

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 4.24 RCW
10 to read as follows:

11 (1) The Washington association of sheriffs and police chiefs shall
12 create and maintain a statewide registered drug offender web site,
13 which shall be available to the public. The web site shall post all
14 registered drug offenders in the state of Washington and shall contain
15 the registered drug offender's name, relevant criminal convictions, and
16 address by hundred block, provided that posting a drug offender's name,
17 relevant criminal convictions, and address is permissible under state
18 and federal law. If it is not permissible, the web site shall be
19 limited to the information and functionality that is permissible under
20 state and federal law.

21 (2) The Washington association of sheriffs and police chiefs and
22 its employees are immune from civil liability for damages arising from
23 any release of relevant and necessary information, unless it is shown
24 that an employee acted with gross negligence or bad faith. The
25 immunity in this section applies to the release of relevant and
26 necessary information regarding any individual for whom disclosure is
27 authorized to the general public.

28 **Sec. 10.** RCW 9.94A.515 and 2007 c 368 s 14 and 2007 c 199 s 10 are
29 each reenacted and amended to read as follows:
30

31 TABLE 2
32 CRIMES INCLUDED WITHIN
33 EACH SERIOUSNESS LEVEL

1 XVI Aggravated Murder 1 (RCW
2 10.95.020)
3 XV Homicide by abuse (RCW 9A.32.055)
4 Malicious explosion 1 (RCW
5 70.74.280(1))
6 Murder 1 (RCW 9A.32.030)
7 XIV Murder 2 (RCW 9A.32.050)
8 Trafficking 1 (RCW 9A.40.100(1))
9 XIII Malicious explosion 2 (RCW
10 70.74.280(2))
11 Malicious placement of an explosive 1
12 (RCW 70.74.270(1))
13 XII Assault 1 (RCW 9A.36.011)
14 Assault of a Child 1 (RCW 9A.36.120)
15 Malicious placement of an imitation
16 device 1 (RCW 70.74.272(1)(a))
17 Rape 1 (RCW 9A.44.040)
18 Rape of a Child 1 (RCW 9A.44.073)
19 Trafficking 2 (RCW 9A.40.100(2))
20 XI Manslaughter 1 (RCW 9A.32.060)
21 Rape 2 (RCW 9A.44.050)
22 Rape of a Child 2 (RCW 9A.44.076)
23 X Child Molestation 1 (RCW 9A.44.083)
24 Indecent Liberties (with forcible
25 compulsion) (RCW
26 9A.44.100(1)(a))
27 Kidnapping 1 (RCW 9A.40.020)
28 Leading Organized Crime (RCW
29 9A.82.060(1)(a))
30 Malicious explosion 3 (RCW
31 70.74.280(3))
32 Sexually Violent Predator Escape
33 (RCW 9A.76.115)
34 IX Abandonment of Dependent Person 1
35 (RCW 9A.42.060)
36 Assault of a Child 2 (RCW 9A.36.130)

1 Criminal Mistreatment 1 (RCW
2 9A.42.020)
3 Explosive devices prohibited (RCW
4 70.74.180)
5 Hit and Run--Death (RCW
6 46.52.020(4)(a))
7 Homicide by Watercraft, by being
8 under the influence of intoxicating
9 liquor or any drug (RCW
10 79A.60.050)
11 Inciting Criminal Profiteering (RCW
12 9A.82.060(1)(b))
13 Malicious placement of an explosive 2
14 (RCW 70.74.270(2))
15 Robbery 1 (RCW 9A.56.200)
16 Sexual Exploitation (RCW 9.68A.040)
17 Vehicular Homicide, by being under
18 the influence of intoxicating liquor
19 or any drug (RCW 46.61.520)
20 VIII Arson 1 (RCW 9A.48.020)
21 Homicide by Watercraft, by the
22 operation of any vessel in a
23 reckless manner (RCW
24 79A.60.050)
25 Manslaughter 2 (RCW 9A.32.070)
26 Promoting Commercial Sexual Abuse
27 of a Minor (RCW 9.68A.101)
28 Promoting Prostitution 1 (RCW
29 9A.88.070)
30 Theft of Ammonia (RCW 69.55.010)
31 Vehicular Homicide, by the operation
32 of any vehicle in a reckless manner
33 (RCW 46.61.520)
34 VII Burglary 1 (RCW 9A.52.020)
35 Child Molestation 2 (RCW 9A.44.086)
36 Civil Disorder Training (RCW
37 9A.48.120)

1 Dealing in depictions of minor engaged
2 in sexually explicit conduct (RCW
3 9.68A.050)
4 Drive-by Shooting (RCW 9A.36.045)
5 Homicide by Watercraft, by disregard
6 for the safety of others (RCW
7 79A.60.050)
8 Indecent Liberties (without forcible
9 compulsion) (RCW 9A.44.100(1)
10 (b) and (c))
11 Introducing Contraband 1 (RCW
12 9A.76.140)
13 Malicious placement of an explosive 3
14 (RCW 70.74.270(3))
15 Negligently Causing Death By Use of a
16 Signal Preemption Device (RCW
17 46.37.675)
18 Sending, bringing into state depictions
19 of minor engaged in sexually
20 explicit conduct (RCW 9.68A.060)
21 Unlawful Possession of a Firearm in
22 the first degree (RCW 9.41.040(1))
23 Use of a Machine Gun in Commission
24 of a Felony (RCW 9.41.225)
25 Vehicular Homicide, by disregard for
26 the safety of others (RCW
27 46.61.520)
28 VI Bail Jumping with Murder 1 (RCW
29 9A.76.170(3)(a))
30 Bribery (RCW 9A.68.010)
31 Failure to Register as a Drug Offender
32 (section 2 of this act)
33 Incest 1 (RCW 9A.64.020(1))
34 Intimidating a Judge (RCW 9A.72.160)
35 Intimidating a Juror/Witness (RCW
36 9A.72.110, 9A.72.130)

1 Malicious placement of an imitation
2 device 2 (RCW 70.74.272(1)(b))
3 Possession of Depictions of a Minor
4 Engaged in Sexually Explicit
5 Conduct (RCW 9.68A.070)
6 Rape of a Child 3 (RCW 9A.44.079)
7 Theft of a Firearm (RCW 9A.56.300)
8 Unlawful Storage of Ammonia (RCW
9 69.55.020)
10 V Abandonment of Dependent Person 2
11 (RCW 9A.42.070)
12 Advancing money or property for
13 extortionate extension of credit
14 (RCW 9A.82.030)
15 Bail Jumping with class A Felony
16 (RCW 9A.76.170(3)(b))
17 Child Molestation 3 (RCW 9A.44.089)
18 Criminal Mistreatment 2 (RCW
19 9A.42.030)
20 Custodial Sexual Misconduct 1 (RCW
21 9A.44.160)
22 Domestic Violence Court Order
23 Violation (RCW 10.99.040,
24 10.99.050, 26.09.300, 26.10.220,
25 26.26.138, 26.50.110, 26.52.070,
26 or 74.34.145)
27 Driving While Under the Influence
28 (RCW 46.61.502(6))
29 Extortion 1 (RCW 9A.56.120)
30 Extortionate Extension of Credit (RCW
31 9A.82.020)
32 Extortionate Means to Collect
33 Extensions of Credit (RCW
34 9A.82.040)
35 Incest 2 (RCW 9A.64.020(2))
36 Kidnapping 2 (RCW 9A.40.030)
37 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW
2 9.94.070)
3 Physical Control of a Vehicle While
4 Under the Influence (RCW
5 46.61.504(6))
6 Possession of a Stolen Firearm (RCW
7 9A.56.310)
8 Rape 3 (RCW 9A.44.060)
9 Rendering Criminal Assistance 1
10 (RCW 9A.76.070)
11 Sexual Misconduct with a Minor 1
12 (RCW 9A.44.093)
13 Sexually Violating Human Remains
14 (RCW 9A.44.105)
15 Stalking (RCW 9A.46.110)
16 Taking Motor Vehicle Without
17 Permission 1 (RCW 9A.56.070)
18 IV Arson 2 (RCW 9A.48.030)
19 Assault 2 (RCW 9A.36.021)
20 Assault 3 (of a Peace Officer with a
21 Projectile Stun Gun) (RCW
22 9A.36.031(1)(h))
23 Assault by Watercraft (RCW
24 79A.60.060)
25 Bribing a Witness/Bribe Received by
26 Witness (RCW 9A.72.090,
27 9A.72.100)
28 Cheating 1 (RCW 9.46.1961)
29 Commercial Bribery (RCW 9A.68.060)
30 Counterfeiting (RCW 9.16.035(4))
31 Endangerment with a Controlled
32 Substance (RCW 9A.42.100)
33 Escape 1 (RCW 9A.76.110)
34 Hit and Run--Injury (RCW
35 46.52.020(4)(b))
36 Hit and Run with Vessel--Injury
37 Accident (RCW 79A.60.200(3))

1 Identity Theft 1 (RCW 9.35.020(2))
2 Indecent Exposure to Person Under
3 Age Fourteen (subsequent sex
4 offense) (RCW 9A.88.010)
5 Influencing Outcome of Sporting Event
6 (RCW 9A.82.070)
7 Malicious Harassment (RCW
8 9A.36.080)
9 Residential Burglary (RCW
10 9A.52.025)
11 Robbery 2 (RCW 9A.56.210)
12 Theft of Livestock 1 (RCW 9A.56.080)
13 Threats to Bomb (RCW 9.61.160)
14 Trafficking in Stolen Property 1 (RCW
15 9A.82.050)
16 Unlawful factoring of a credit card or
17 payment card transaction (RCW
18 9A.56.290(4)(b))
19 Unlawful transaction of health
20 coverage as a health care service
21 contractor (RCW 48.44.016(3))
22 Unlawful transaction of health
23 coverage as a health maintenance
24 organization (RCW 48.46.033(3))
25 Unlawful transaction of insurance
26 business (RCW 48.15.023(3))
27 Unlicensed practice as an insurance
28 professional (RCW 48.17.063(3))
29 Use of Proceeds of Criminal
30 Profiteering (RCW 9A.82.080 (1)
31 and (2))
32 Vehicular Assault, by being under the
33 influence of intoxicating liquor or
34 any drug, or by the operation or
35 driving of a vehicle in a reckless
36 manner (RCW 46.61.522)

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 Commercial Sexual Abuse of a Minor
14 (RCW 9.68A.100)
15 Communication with a Minor for
16 Immoral Purposes (RCW
17 9.68A.090)
18 Criminal Gang Intimidation (RCW
19 9A.46.120)
20 Custodial Assault (RCW 9A.36.100)
21 Cyberstalking (subsequent conviction
22 or threat of death) (RCW
23 9.61.260(3))
24 Escape 2 (RCW 9A.76.120)
25 Extortion 2 (RCW 9A.56.130)
26 Harassment (RCW 9A.46.020)
27 Intimidating a Public Servant (RCW
28 9A.76.180)
29 Introducing Contraband 2 (RCW
30 9A.76.150)
31 Malicious Injury to Railroad Property
32 (RCW 81.60.070)
33 Negligently Causing Substantial Bodily
34 Harm By Use of a Signal
35 Preemption Device (RCW
36 46.37.674)

1 Organized Retail Theft 1 (RCW
2 9A.56.350(2))
3 Perjury 2 (RCW 9A.72.030)
4 Possession of Incendiary Device (RCW
5 9.40.120)
6 Possession of Machine Gun or Short-
7 Barreled Shotgun or Rifle (RCW
8 9.41.190)
9 Promoting Prostitution 2 (RCW
10 9A.88.080)
11 Retail Theft with Extenuating
12 Circumstances 1 (RCW
13 9A.56.360(2))
14 Securities Act violation (RCW
15 21.20.400)
16 Tampering with a Witness (RCW
17 9A.72.120)
18 Telephone Harassment (subsequent
19 conviction or threat of death)
20 (RCW 9.61.230(2))
21 Theft of Livestock 2 (RCW 9A.56.083)
22 Theft with the Intent to Resell 1 (RCW
23 9A.56.340(2))
24 Trafficking in Stolen Property 2 (RCW
25 9A.82.055)
26 Unlawful Imprisonment (RCW
27 9A.40.040)
28 Unlawful possession of firearm in the
29 second degree (RCW 9.41.040(2))
30 Vehicular Assault, by the operation or
31 driving of a vehicle with disregard
32 for the safety of others (RCW
33 46.61.522)
34 Willful Failure to Return from Work
35 Release (RCW 72.65.070)
36 II Computer Trespass 1 (RCW
37 9A.52.110)

1 Counterfeiting (RCW 9.16.035(3))
2 Escape from Community Custody
3 (RCW 72.09.310)
4 Failure to Register as a Sex Offender
5 (second or subsequent offense)
6 (RCW 9A.44.130(~~(40)~~) (11)(a))
7 Health Care False Claims (RCW
8 48.80.030)
9 Identity Theft 2 (RCW 9.35.020(3))
10 Improperly Obtaining Financial
11 Information (RCW 9.35.010)
12 Malicious Mischief 1 (RCW
13 9A.48.070)
14 Organized Retail Theft 2 (RCW
15 9A.56.350(3))
16 Possession of Stolen Property 1 (RCW
17 9A.56.150)
18 Possession of a Stolen Vehicle (RCW
19 9A.56.068)
20 Retail Theft with Extenuating
21 Circumstances 2 (RCW
22 9A.56.360(3))
23 Theft 1 (RCW 9A.56.030)
24 Theft of a Motor Vehicle (RCW
25 9A.56.065)
26 Theft of Rental, Leased, or Lease-
27 purchased Property (valued at one
28 thousand five hundred dollars or
29 more) (RCW 9A.56.096(5)(a))
30 Theft with the Intent to Resell 2 (RCW
31 9A.56.340(3))
32 Trafficking in Insurance Claims (RCW
33 48.30A.015)
34 Unlawful factoring of a credit card or
35 payment card transaction (RCW
36 9A.56.290(4)(a))

1 Unlawful Practice of Law (RCW
2 2.48.180)
3 Unlicensed Practice of a Profession or
4 Business (RCW 18.130.190(7))
5 Voyeurism (RCW 9A.44.115)
6 I Attempting to Elude a Pursuing Police
7 Vehicle (RCW 46.61.024)
8 False Verification for Welfare (RCW
9 74.08.055)
10 Forgery (RCW 9A.60.020)
11 Fraudulent Creation or Revocation of a
12 Mental Health Advance Directive
13 (RCW 9A.60.060)
14 Malicious Mischief 2 (RCW
15 9A.48.080)
16 Mineral Trespass (RCW 78.44.330)
17 Possession of Stolen Property 2 (RCW
18 9A.56.160)
19 Reckless Burning 1 (RCW 9A.48.040)
20 Taking Motor Vehicle Without
21 Permission 2 (RCW 9A.56.075)
22 Theft 2 (RCW 9A.56.040)
23 Theft of Rental, Leased, or Lease-
24 purchased Property (valued at two
25 hundred fifty dollars or more but
26 less than one thousand five
27 hundred dollars) (RCW
28 9A.56.096(5)(b))
29 Transaction of insurance business
30 beyond the scope of licensure
31 (RCW 48.17.063(4))
32 Unlawful Issuance of Checks or Drafts
33 (RCW 9A.56.060)
34 Unlawful Possession of Fictitious
35 Identification (RCW 9A.56.320)
36 Unlawful Possession of Instruments of
37 Financial Fraud (RCW 9A.56.320)

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

13 NEW SECTION. **Sec. 11.** The sum of two hundred fifty thousand
14 dollars, or as much thereof as may be necessary, is appropriated for
15 the fiscal year ending June 30, 2009, from the general fund to the
16 Washington association of sheriffs and police chiefs for the purposes
17 of this act.

18 NEW SECTION. **Sec. 12.** The sum of dollars, or as much
19 thereof as may be necessary, is appropriated for the fiscal year ending
20 June 30, 2009, from the general fund to the Washington state patrol for
21 the purposes of this act.

22 NEW SECTION. **Sec. 13.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

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