

355: Sex Offender Policy

1.0 Purpose

In order to protect the patrons who use public facilities and especially the minor aged patrons, the Washington State Legislature in 2009 gave authority to public facilities which have minors present to remove any people who are registered sex offender at any level.

2.0 Policy

As a Covered Entity as defined by RCW 9A.44.193, the Des Moines Pool Metropolitan Park District (District) can legally remove any person(s) who are defined as Covered Offender in RCW 9A.44.190 by issuing a written notice (see attachment A) to the Covered Offender. If the Covered Offender, then does not leave the premises police can be called to remove the Covered Offender and he/she can be arrested and charged with a felony. The written notice must include the following:

- 1 You must leave the legal premises of the Mount Rainier Pool facility and property and may not return without the written permission from the District General Manager of the Des Moines Pool Metropolitan Park District; and
- 2 If you refuse to leave the legal premises of the Mount Rainier Pool or thereafter return and enter the legal premises of the Mount Rainier Pool without written permission, you may be charged and prosecuted for a felony offense as provided in RCW 9A.44.196.
- 3 You may file a petition with the district court alleging that you do not meet the definition of “covered offender” in RCW 9A.44.190.

3.0 Definitions

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

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

(a) Rape of a child in the first, second, and third degree; child molestation in the first, second, and third degree; indecent liberties against a child under age fifteen; sexual misconduct with a minor in the first and second degree; incest in the first and second degree; luring with sexual motivation; possession of depictions of minors engaged in sexually explicit conduct; dealing in depictions of minors engaged in sexually explicit conduct; bringing into the state depictions of minors engaged in sexually explicit conduct; sexual exploitation of a minor; communicating with a minor for immoral purposes; *patronizing a juvenile prostitute;

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

(c) Any felony offense for which:

- (i) There was a finding that the offense was committed with sexual motivation; and
- (ii) The victim of the offense was less than sixteen years of age at the time of the offense;

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

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

ATTACHMENT A

COVERED OFFENDER NOTICE TO VACATE PREMISE

In accordance with RCW 9A.44.193, the Mount Rainier Pool directed by the Des Moines Pool Metropolitan Park District, as a “Covered Entity” hereby gives written notice that as a “Covered Offender”, as defined in RCW 9A.44.190, that:

- 4 You must leave the legal premises of the Mount Rainier Pool facility and property and may not return without the written permission from the District General Manager of the Des Moines Pool Metropolitan Park District; and
- 5 If you refuse to leave the legal premises of the Mount Rainier Pool or thereafter return and enter the legal premises of the Mount Rainier Pool without written permission, you may be charged and prosecuted for a felony offense as provided in RCW 9A.44.196.
- 6 You may file a petition with the district court alleging that you do not meet the definition of “covered offender” in RCW 9A.44.190.

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

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

(a) Rape of a child in the first, second, and third degree; child molestation in the first, second, and third degree; indecent liberties against a child under age fifteen; sexual misconduct with a minor in the first and second degree; incest in the first and second degree; luring with sexual motivation; possession of depictions of minors engaged in sexually explicit conduct; dealing in depictions of minors engaged in sexually explicit conduct; bringing into the state depictions of minors engaged in sexually explicit conduct; sexual exploitation of a minor; communicating with a minor for immoral purposes; *patronizing a juvenile prostitute;

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

(c) Any felony offense for which:

- (i) There was a finding that the offense was committed with sexual motivation; and
- (ii) The victim of the offense was less than sixteen years of age at the time of the offense;

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

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