
HOUSE BILL 2678

State of Washington

56th Legislature

2000 Regular Session

By Representatives Wolfe, Ballasiotes, O'Brien, Wensman, Lovick, Cody, Edwards, D. Schmidt, Reardon, Ruderman, Campbell, Rockefeller and Hurst

Read first time 01/18/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to the dissemination of information regarding sex
2 offenders; and amending RCW 4.24.550 and 4.24.5501.

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

4 **Sec. 1.** RCW 4.24.550 and 1998 c 220 s 6 are each amended to read
5 as follows:

6 (1) Public agencies are authorized to release information to the
7 public regarding sex offenders and kidnapping offenders when the agency
8 determines that disclosure of the information is relevant and necessary
9 to protect the public and counteract the danger created by the
10 particular offender. This authorization applies to information
11 regarding: (a) Any person adjudicated or convicted of a sex offense as
12 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW
13 9A.44.130; (b) any person under the jurisdiction of the indeterminate
14 sentence review board as the result of a sex offense or kidnapping
15 offense; (c) any person committed as a sexually violent predator under
16 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
17 (d) any person found not guilty of a sex offense or kidnapping offense
18 by reason of insanity under chapter 10.77 RCW; and (e) any person found

1 incompetent to stand trial for a sex offense or kidnapping offense and
2 subsequently committed under chapter 71.05 or 71.34 RCW.

3 (2) The extent of the public disclosure of relevant and necessary
4 information shall be rationally related to: (a) The level of risk
5 posed by the offender to the community; (b) the locations where the
6 offender resides, expects to reside, or is regularly found; and (c) the
7 needs of the affected community members for information to enhance
8 their individual and collective safety.

9 (3) Local law enforcement agencies shall consider the following
10 guidelines in determining the extent of a public disclosure made under
11 this section: (a) For offenders classified as risk level I, the agency
12 shall share information with other appropriate law enforcement agencies
13 and may disclose, upon request, relevant, necessary, and accurate
14 information to any victim or witness to the offense and to any
15 individual community member who lives near the residence where the
16 offender resides, expects to reside, or is regularly found; (b) for
17 offenders classified as risk level II, the agency may also disclose
18 relevant, necessary, and accurate information to public and private
19 schools, child day care centers, family day care providers, businesses
20 and organizations that serve primarily children, women, or vulnerable
21 adults, and neighbors and community groups near the residence where the
22 offender resides, expects to reside, or is regularly found; and (c) for
23 offenders classified as risk level III, the agency may also disclose
24 relevant, necessary, and accurate information to the public at large.

25 (4) Local law enforcement agencies are authorized to use the
26 internet to disseminate information regarding offenders classified as
27 risk level II or III.

28 (5) Local law enforcement agencies that disseminate information
29 pursuant to this section shall: (a) Review available risk level
30 classifications made by the department of corrections, the department
31 of social and health services, and the indeterminate sentence review
32 board; (b) assign risk level classifications to all offenders about
33 whom information will be disseminated; and (c) make a good faith effort
34 to notify the public and residents at least fourteen days before the
35 offender is released from confinement or, where an offender moves from
36 another jurisdiction, as soon as possible after the agency learns of
37 the offender's move, except that in no case may this notification
38 provision be construed to require an extension of an offender's release
39 date. The juvenile court shall provide local law enforcement officials

1 with all relevant information on offenders allowed to remain in the
2 community in a timely manner.

3 ~~((+5))~~ (6) An appointed or elected public official, public
4 employee, or public agency as defined in RCW 4.24.470 is immune from
5 civil liability for damages for any discretionary risk level
6 classification decisions or release of relevant and necessary
7 information, unless it is shown that the official, employee, or agency
8 acted with gross negligence or in bad faith. The immunity in this
9 section applies to risk level classification decisions and the release
10 of relevant and necessary information regarding any individual for whom
11 disclosure is authorized. The decision of a local law enforcement
12 agency or official to classify an offender to a risk level other than
13 the one assigned by the department of corrections, the department of
14 social and health services, or the indeterminate sentence review board,
15 or the release of any relevant and necessary information based on that
16 different classification shall not, by itself, be considered gross
17 negligence or bad faith. The immunity provided under this section
18 applies to the release of relevant and necessary information to other
19 public officials, public employees, or public agencies, and to the
20 general public.

21 ~~((+6))~~ (7) Except as may otherwise be provided by law, nothing in
22 this section shall impose any liability upon a public official, public
23 employee, or public agency for failing to release information
24 authorized under this section.

25 ~~((+7))~~ (8) Nothing in this section implies that information
26 regarding persons designated in subsection (1) of this section is
27 confidential except as may otherwise be provided by law.

28 ~~((+8))~~ (9) When a local law enforcement agency or official
29 classifies an offender differently than the offender is classified by
30 the department of corrections, the department of social and health
31 services, or the indeterminate sentence review board, the law
32 enforcement agency or official shall notify the appropriate department
33 or the board and submit its reasons supporting the change in
34 classification.

35 **Sec. 2.** RCW 4.24.5501 and 1997 c 364 s 6 are each amended to read
36 as follows:

37 (1) By December 1, 1997, the Washington association of sheriffs and
38 police chiefs shall develop a model policy for law enforcement agencies

1 to follow when they disclose information about sex offenders to the
2 public under RCW 4.24.550. The model policy shall be designed to
3 further the objectives of providing adequate notice to the community
4 concerning sex offenders who are or will be residing in the community
5 and of assisting community members in developing constructive plans to
6 prepare themselves and their children for residing near released sex
7 offenders.

8 (2) In developing the policy, the association shall consult with
9 representatives of the following agencies and professions: (a) The
10 department of corrections; (b) the department of social and health
11 services; (c) the indeterminate sentence review board; (d) the
12 Washington state council of police officers; (e) local correctional
13 agencies; (f) the Washington association of prosecuting attorneys; (g)
14 the Washington public defender association; (h) the Washington
15 association for the treatment of sexual abusers; and (i) victim
16 advocates.

17 (3) The model policy shall, at a minimum, include recommendations
18 to address the following issues: (a) Procedures for local agencies or
19 officials to accomplish the notifications required under RCW
20 4.24.550(~~(+8)~~) (9); (b) contents and form of community notification
21 documents, including procedures for ensuring the accuracy of factual
22 information contained in the notification documents, and ways of
23 protecting the privacy of victims of the offenders' crimes; (c) methods
24 of distributing community notification documents; (d) methods of
25 providing follow-up notifications to community residents at specified
26 intervals and of disclosing information about offenders to law
27 enforcement agencies in other jurisdictions if necessary to protect the
28 public; (e) methods of educating community residents at public meetings
29 on how they can use the information in the notification document in a
30 reasonable manner to enhance their individual and collective safety;
31 (f) procedures for educating community members regarding the right of
32 sex offenders not to be the subject of harassment or criminal acts as
33 a result of the notification process; and (g) other matters the
34 Washington association of sheriffs and police chiefs deems necessary to
35 ensure the effective and fair administration of RCW 4.24.550.

--- END ---