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HOUSE BILL 2442

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**By** Representatives Ross, Priest, Pearson, McCune, Crouse, Armstrong, Rodne, Kristiansen, Haler, Condotta, Hailey, Bailey, Warnick, Hinkle, Sump, Roach, Ahern, Skinner, Newhouse, Orcutt, Alexander, Hurst, Schindler, Morrell, Walsh, Smith, Dunn, and Herrera

Prefiled 12/04/07. Read first time 01/14/08. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to improving sex offender community notification by  
2 disclosing to the public at large information regarding level I and II  
3 sex offenders who have a conviction for failure to register as a sex  
4 offender and adding information regarding level I sex offenders who  
5 have a prior failure to register conviction to the statewide kidnapping  
6 and sex offender web site; reenacting and amending RCW 4.24.550; and  
7 making appropriations.

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

9 **Sec. 1.** RCW 4.24.550 and 2005 c 380 s 2, 2005 c 228 s 1, and 2005  
10 c 99 s 1 are each reenacted and amended to read as follows:

11 (1) In addition to the disclosure under subsection (5) of this  
12 section, public agencies are authorized to release information to the  
13 public regarding sex offenders and kidnapping offenders when the agency  
14 determines that disclosure of the information is relevant and necessary  
15 to protect the public and counteract the danger created by the  
16 particular offender. This authorization applies to information  
17 regarding: (a) Any person adjudicated or convicted of a sex offense as  
18 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW  
19 9A.44.130; (b) any person under the jurisdiction of the indeterminate

1 sentence review board as the result of a sex offense or kidnapping  
2 offense; (c) any person committed as a sexually violent predator under  
3 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;  
4 (d) any person found not guilty of a sex offense or kidnapping offense  
5 by reason of insanity under chapter 10.77 RCW; and (e) any person found  
6 incompetent to stand trial for a sex offense or kidnapping offense and  
7 subsequently committed under chapter 71.05 or 71.34 RCW.

8 (2) Except for the information specifically required under  
9 subsection (5) of this section, the extent of the public disclosure of  
10 relevant and necessary information shall be rationally related to: (a)  
11 The level of risk posed by the offender to the community; (b) the  
12 locations where the offender resides, expects to reside, or is  
13 regularly found; and (c) the needs of the affected community members  
14 for information to enhance their individual and collective safety.

15 (3) Except for the information specifically required under  
16 subsection (5) of this section, local law enforcement agencies shall  
17 consider the following guidelines in determining the extent of a public  
18 disclosure made under this section: (a) For offenders classified as  
19 risk level I, the agency shall share information with other appropriate  
20 law enforcement agencies and, if the offender is a student, the public  
21 or private school regulated under Title 28A RCW or chapter 72.40 RCW  
22 which the offender is attending, or planning to attend. The agency may  
23 disclose, upon request, relevant, necessary, and accurate information  
24 to any victim or witness to the offense and to any individual community  
25 member who lives near the residence where the offender resides, expects  
26 to reside, or is regularly found; (b) for offenders classified as risk  
27 level II, the agency may also disclose relevant, necessary, and  
28 accurate information to public and private schools, child day care  
29 centers, family day care providers, public libraries, businesses and  
30 organizations that serve primarily children, women, or vulnerable  
31 adults, and neighbors and community groups near the residence where the  
32 offender resides, expects to reside, or is regularly found; (c) for  
33 offenders classified as risk level III and offenders classified as risk  
34 level I or II who have been convicted of failure to register as a sex  
35 offender under RCW 9A.44.130, the agency may also disclose relevant,  
36 necessary, and accurate information to the public at large; and (d)  
37 because more localized notification is not feasible and homeless and  
38 transient offenders may present unique risks to the community, the

1 agency may also disclose relevant, necessary, and accurate information  
2 to the public at large for offenders registered as homeless or  
3 transient.

4 (4) The county sheriff with whom an offender classified as risk  
5 level III is registered shall cause to be published by legal notice,  
6 advertising, or news release a sex offender community notification that  
7 conforms to the guidelines established under RCW 4.24.5501 in at least  
8 one legal newspaper with general circulation in the area of the sex  
9 offender's registered address or location. The county sheriff shall  
10 also cause to be published consistent with this subsection a current  
11 list of level III registered sex offenders, twice yearly. Unless the  
12 information is posted on the web site described in subsection (5) of  
13 this section, this list shall be maintained by the county sheriff on a  
14 publicly accessible web site and shall be updated at least once per  
15 month.

16 (5)(a) When funded by federal grants or other sources, the  
17 Washington association of sheriffs and police chiefs shall create and  
18 maintain a statewide registered kidnapping and sex offender web site,  
19 which shall be available to the public. The web site shall post all  
20 level III and level II registered sex offenders, all level I sex  
21 offenders who have been convicted of failure to register as a sex  
22 offender under RCW 9A.44.130, and all registered kidnapping offenders  
23 in the state of Washington.

24 (i) For level III offenders, the web site shall contain, but is not  
25 limited to, the registered sex offender's name, relevant criminal  
26 convictions, address by hundred block, physical description, and  
27 photograph. The web site shall provide mapping capabilities that  
28 display the sex offender's address by hundred block on a map. The web  
29 site shall allow citizens to search for registered sex offenders within  
30 the state of Washington by county, city, zip code, last name, type of  
31 conviction, and address by hundred block.

32 (ii) For level II offenders, and level I offenders who have been  
33 convicted of failure to register, the web site shall contain, but is  
34 not limited to, the same information and functionality as described in  
35 (a)(I) of this subsection, provided that it is permissible under state  
36 and federal law. If it is not permissible, the web site shall be  
37 limited to the information and functionality that is permissible under  
38 state and federal law.

1 (iii) For kidnapping offenders, the web site shall contain, but is  
2 not limited to, the same information and functionality as described in  
3 (a)(I) of this subsection, provided that it is permissible under state  
4 and federal law. If it is not permissible, the web site shall be  
5 limited to the information and functionality that is permissible under  
6 state and federal law.

7 (b) Until the implementation of (a) of this subsection, the  
8 Washington association of sheriffs and police chiefs shall create a web  
9 site available to the public that provides electronic links to county-  
10 operated web sites that offer sex offender registration information.

11 (6) Local law enforcement agencies that disseminate information  
12 pursuant to this section shall: (a) Review available risk level  
13 classifications made by the department of corrections, the department  
14 of social and health services, and the indeterminate sentence review  
15 board; (b) assign risk level classifications to all offenders about  
16 whom information will be disseminated; and (c) make a good faith effort  
17 to notify the public and residents at least fourteen days before the  
18 offender is released from confinement or, where an offender moves from  
19 another jurisdiction, as soon as possible after the agency learns of  
20 the offender's move, except that in no case may this notification  
21 provision be construed to require an extension of an offender's release  
22 date. The juvenile court shall provide local law enforcement officials  
23 with all relevant information on offenders allowed to remain in the  
24 community in a timely manner.

25 (7) An appointed or elected public official, public employee, or  
26 public agency as defined in RCW 4.24.470, or units of local government  
27 and its employees, as provided in RCW 36.28A.010, are immune from civil  
28 liability for damages for any discretionary risk level classification  
29 decisions or release of relevant and necessary information, unless it  
30 is shown that the official, employee, or agency acted with gross  
31 negligence or in bad faith. The immunity in this section applies to  
32 risk level classification decisions and the release of relevant and  
33 necessary information regarding any individual for whom disclosure is  
34 authorized. The decision of a local law enforcement agency or official  
35 to classify an offender to a risk level other than the one assigned by  
36 the department of corrections, the department of social and health  
37 services, or the indeterminate sentence review board, or the release of  
38 any relevant and necessary information based on that different

1 classification shall not, by itself, be considered gross negligence or  
2 bad faith. The immunity provided under this section applies to the  
3 release of relevant and necessary information to other public  
4 officials, public employees, or public agencies, and to the general  
5 public.

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

10 (9) Nothing in this section implies that information regarding  
11 persons designated in subsection (1) of this section is confidential  
12 except as may otherwise be provided by law.

13 (10) When a local law enforcement agency or official classifies an  
14 offender differently than the offender is classified by the end of  
15 sentence review committee or the department of social and health  
16 services at the time of the offender's release from confinement, the  
17 law enforcement agency or official shall notify the end of sentence  
18 review committee or the department of social and health services and  
19 submit its reasons supporting the change in classification. Upon  
20 implementation of subsection (5)(a) of this section, notification of  
21 the change shall also be sent to the Washington association of sheriffs  
22 and police chiefs.

23 NEW SECTION. **Sec. 2.** The sum of . . . . dollars, or as much  
24 thereof as may be necessary, is appropriated for the fiscal year ending  
25 June 30, 2009, from the general fund to the Washington state criminal  
26 justice training commission for the purposes of this act.

27 NEW SECTION. **Sec. 3.** (1) The sum of . . . . dollars, or as much  
28 thereof as may be necessary, is appropriated for the fiscal year ending  
29 June 30, 2009, from the general fund to the department of community,  
30 trade, and economic development for the purposes of this act.

31 (2) The department of community, trade, and economic development  
32 shall distribute the funds appropriated in this section to each county  
33 in the state based on the percentage of the total number of registered  
34 sex offenders statewide that reside in the county.

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