

# HOUSE BILL REPORT

## HB 2817

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**As Passed House:**  
February 10, 2010

**Title:** An act relating to a person's identifying information submitted in the course of using the electronic statewide unified sex offender notification and registration program for the purpose of receiving notification regarding registered sex offenders.

**Brief Description:** Exempting a person's identifying information from public disclosure when submitted in the course of using the sex offender notification and registration program for the purpose of receiving notification regarding registered sex offenders.

**Sponsors:** Representatives O'Brien, Pearson and Kelley.

**Brief History:**

**Committee Activity:**

State Government & Tribal Affairs: 1/29/10, 2/2/10 [DP].

**Floor Activity:**

Passed House: 2/10/10, 96-0.

**Brief Summary of Bill**

- Exempts information about a person who registers to receive e-mail alerts regarding sex offender registrations from disclosure under the Public Records Act.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** Do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst, Miloscia and Taylor.

**Staff:** Tracey O'Brien (786-7196).

**Background:**

Sex Offender Registration.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A sex or kidnapping offender must register with the county sheriff of the county in which he or she resides. The offender must also notify the county sheriff if he or she enrolls in a public or private school or an institution of higher education. Law enforcement officials use the information in the registry to notify the public, subject to certain guidelines, of a sex offender's presence in the community.

An offender who serves a term of confinement pursuant to a conviction for a sex or kidnapping offense must register at the time of release with the agency that has jurisdiction over the offender. The agency must then transmit the information within three days to the county sheriff. The offender must also register with the county sheriff within 24 hours of release.

An offender who changes his or her address or becomes homeless must provide written notice to the county sheriff of his or her change in status. Homeless offenders must report weekly to the county sheriff. Level II and III sex offenders who have a fixed residence must report to the county sheriff every 90 days.

#### Sex Offender Database.

The Washington Association of Sheriffs and Police Chiefs (WASPC) operates an electronic statewide unified sex offender notification and registration program (SONAR) which contains a database of all registered sex offenders in Washington. Pursuant to statute, the WASPC creates and maintains a public website which posts all Level II and Level III sex offenders. The SONAR system allows a person to register to receive an e-mail alert whenever an offender registers within one mile of the person's address. In order to register, a person must submit his or her name, address, and email address.

#### Public Records Act.

The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure.

The PRA requires agencies to respond to public records requests within five business days. The agency must either provide the records, provide a reasonable estimate of the time the agency will take to respond to this request, or deny the request. Additional time may be required to respond to a request where the agency needs to notify third parties or agencies affected by the request or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. For practical purposes, the law treats a failure to properly respond as denial. A denial of a public records request must be accompanied by a written statement of the specific reasons for denial.

#### **Summary of Bill:**

The information provided by a person registering to receive email alerts regarding sex offender registrations from the SONAR system is exempt from disclosure under the PRA.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) People utilize SONAR to receive alerts about sex offenders in their area. However, there are documented cases of people requesting the personal information of person's who register for the SONAR alerts. This has a chilling effect on the alert system and the public benefit it is intended to provide. This is really a public safety issue and should be exempt from the PRA.

(Opposed) None.

**Persons Testifying:** Representative O'Brien, prime sponsor; and Jo Arlow, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.