
HOUSE BILL 2540

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Long, Appelwick, Morris, Johanson, Padden, Brough, Sheahan, B. Thomas, Dyer, Brumsickle, Kremen, Forner, Springer and Reams

Read first time 01/17/94. Referred to Committee on Corrections.

1 AN ACT Relating to the release of information concerning sex
2 offenders; amending RCW 4.24.550, 10.77.163, 10.77.205, 13.40.215,
3 43.43.745, 71.05.325, and 71.05.425; and reenacting and amending RCW
4 9.94A.155.

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

6 **Sec. 1.** RCW 4.24.550 and 1990 c 3 s 117 are each amended to read
7 as follows:

8 (1) Public agencies are authorized to release relevant and
9 necessary information regarding sex offenders to the public when the
10 release of the information is necessary for public protection.

11 (2) Local law enforcement officials shall give at least fourteen
12 days' notice whenever they release information concerning the pending
13 release of a sex offender to the general public or to nearby residents.
14 If a change occurs in the release plan, this notification provision
15 will not require an extension of the release date. The department of
16 corrections and the department of social and health services shall
17 provide local law enforcement officials with all relevant information
18 on sex offenders about to be released or placed into the community in
19 a timely manner.

1 (3) An elected public official, public employee, or public agency
2 as defined in RCW 4.24.470 is immune from civil liability for damages
3 for any discretionary decision to release relevant and necessary
4 information, unless it is shown that the official, employee, or agency
5 acted with gross negligence or in bad faith. The authorization and
6 immunity in this section applies to information regarding: (a) A
7 person convicted of, or juvenile found to have committed, a sex offense
8 as defined by RCW 9.94A.030; (b) a person found not guilty of a sex
9 offense by reason of insanity under chapter 10.77 RCW; (c) a person
10 found incompetent to stand trial for a sex offense and subsequently
11 committed under chapter 71.05 or 71.34 RCW; (d) a person committed as
12 a sexual psychopath under chapter 71.06 RCW; or (e) a person committed
13 as a sexually violent predator under chapter 71.09 RCW. The immunity
14 provided under this section applies to the release of relevant
15 information to other employees or officials or to the general public.

16 (~~(3)~~) (4) Except as otherwise provided by statute, nothing in
17 this section shall impose any liability upon a public official, public
18 employee, or public agency for failing to release information as
19 provided in subsections (2) and (3) of this section.

20 (~~(4)~~) (5) Nothing in this section implies that information
21 regarding persons designated in subsections (2) and (3) of this section
22 is confidential except as otherwise provided by statute.

23 **Sec. 2.** RCW 9.94A.155 and 1992 c 186 s 7 and 1992 c 45 s 2 are
24 each reenacted and amended to read as follows:

25 (1) At the earliest possible date, and in no event later than
26 (~~ten~~) thirty days before release except in the event of escape or
27 emergency furloughs as defined in RCW 72.66.010, the department of
28 corrections shall send written notice of parole, release, community
29 placement, work release placement, furlough, or escape about a specific
30 inmate convicted of a violent offense, a sex offense as defined by RCW
31 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060
32 or 9A.46.110, to the following:

33 (a) The chief of police of the city, if any, in which the inmate
34 will reside or in which placement will be made in a work release
35 program; and

36 (b) The sheriff of the county in which the inmate will reside or in
37 which placement will be made in a work release program.

1 The sheriff of the county where the offender was convicted shall be
2 notified if the department does not know where the offender will
3 reside. The department shall notify the state patrol of the release of
4 all sex offenders, and that information shall be placed in the
5 Washington crime information center for dissemination to all law
6 enforcement.

7 (2) The same notice as required by subsection (1) of this section
8 shall be sent to the following if such notice has been requested in
9 writing about a specific inmate convicted of a violent offense, a sex
10 offense as defined by RCW 9.94A.030, or a felony harassment offense as
11 defined by RCW 9A.46.060 or 9A.46.110:

12 (a) The victim of the crime for which the inmate was convicted or
13 the victim's next of kin if the crime was a homicide;

14 (b) Any witnesses who testified against the inmate in any court
15 proceedings involving the violent offense; and

16 (c) Any person specified in writing by the prosecuting attorney.
17 Information regarding victims, next of kin, or witnesses requesting the
18 notice, information regarding any other person specified in writing by
19 the prosecuting attorney to receive the notice, and the notice are
20 confidential and shall not be available to the inmate.

21 (3) The existence of the notice requirements contained in
22 subsections (1) and (2) of this section shall not require an extension
23 of the release date in the event that the release plan changes after
24 notification.

25 (4) If an inmate convicted of a violent offense, a sex offense as
26 defined by RCW 9.94A.030, or a felony harassment offense as defined by
27 RCW 9A.46.060 or 9A.46.110, escapes from a correctional facility, the
28 department of corrections shall immediately notify, by the most
29 reasonable and expedient means available, the chief of police of the
30 city and the sheriff of the county in which the inmate resided
31 immediately before the inmate's arrest and conviction. If previously
32 requested, the department shall also notify the witnesses and the
33 victim of the crime for which the inmate was convicted or the victim's
34 next of kin if the crime was a homicide. If the inmate is recaptured,
35 the department shall send notice to the persons designated in this
36 subsection as soon as possible but in no event later than two working
37 days after the department learns of such recapture.

1 (~~(4)~~) (5) If the victim, the victim's next of kin, or any witness
2 is under the age of sixteen, the notice required by this section shall
3 be sent to the parents or legal guardian of the child.

4 (~~(5)~~) (6) The department of corrections shall send the notices
5 required by this chapter to the last address provided to the department
6 by the requesting party. The requesting party shall furnish the
7 department with a current address.

8 (~~(6)~~) (7) For purposes of this section the following terms have
9 the following meanings:

10 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

11 (b) "Next of kin" means a person's spouse, parents, siblings and
12 children.

13 (~~(7)~~) (8) Nothing in this section shall impose any liability upon
14 a chief of police of a city or sheriff of a county for failing to
15 request in writing a notice as provided in subsection (1) of this
16 section.

17 **Sec. 3.** RCW 10.77.163 and 1990 c 3 s 106 are each amended to read
18 as follows:

19 (1) Before a person committed under this chapter is permitted
20 temporarily to leave a treatment facility for any period of time
21 without constant accompaniment by facility staff, the superintendent,
22 professional person in charge of a treatment facility, or his or her
23 professional designee shall in writing notify the prosecuting attorney
24 of any county to which the person is released and the prosecuting
25 attorney of the county in which the criminal charges against the
26 committed person were dismissed, of the decision conditionally to
27 release the person. The notice shall be provided at least (~~thirty~~)
28 forty-five days before the anticipated release and shall describe the
29 conditions under which the release is to occur.

30 (2) In addition to the notice required by subsection (1) of this
31 section, the superintendent of each state institution designated for
32 the custody, care, and treatment of persons committed under this
33 chapter shall notify appropriate law enforcement agencies through the
34 state patrol communications network of the furloughs of persons
35 committed under RCW 10.77.090 or 10.77.110. Notification shall be made
36 at least (~~forty-eight hours~~) thirty days before the furlough, and
37 shall include the name of the person, the place to which the person has

1 permission to go, and the dates and times during which the person will
2 be on furlough.

3 (3) Upon receiving notice that a person committed under this
4 chapter is being temporarily released under subsection (1) of this
5 section, the prosecuting attorney may seek a temporary restraining
6 order to prevent the release of the person on the grounds that the
7 person is dangerous to self or others.

8 (4) The notice requirements contained in this section shall not
9 apply to emergency medical furloughs.

10 (5) The existence of the notice requirements contained in this
11 section shall not require any extension of the release date in the
12 event the release plan changes after notification.

13 (6) The notice provisions of this section are in addition to those
14 provided in RCW 10.77.205.

15 **Sec. 4.** RCW 10.77.205 and 1992 c 186 s 8 are each amended to read
16 as follows:

17 (1)(a) At the earliest possible date, and in no event later than
18 (~~ten~~) thirty days before conditional release, final discharge,
19 authorized furlough pursuant to RCW 10.77.163, or transfer to a less-
20 restrictive facility than a state mental hospital, the superintendent
21 shall send written notice of the conditional release, final discharge,
22 authorized furlough, or transfer of a person who has been found not
23 guilty of a sex, violent, or felony harassment offense by reason of
24 insanity and who is now in the custody of the department pursuant to
25 this chapter, to the following:

26 (i) The chief of police of the city, if any, in which the person
27 will reside; and

28 (ii) The sheriff of the county in which the person will reside.

29 (b) The same notice as required by (a) of this subsection shall be
30 sent to the following, if such notice has been requested in writing
31 about a specific person committed under this chapter:

32 (i) The victim of the crime for which the person was committed or
33 the victim's next of kin if the crime was a homicide;

34 (ii) Any witnesses who testified against the person in any court
35 proceedings; and

36 (iii) Any person specified in writing by the prosecuting attorney.
37 Information regarding victims, next of kin, or witnesses requesting the
38 notice, information regarding any other person specified in writing by

1 the prosecuting attorney to receive the notice, and the notice are
2 confidential and shall not be available to the person committed under
3 this chapter.

4 (c) In addition to the notice requirements of (a) and (b) of this
5 subsection, the superintendent shall comply with RCW 10.77.163.

6 (d) The thirty-day notice requirement contained in (a) and (b) of
7 this subsection shall not apply to emergency medical furloughs.

8 (e) The existence of the notice requirements in (a) and (b) of this
9 subsection shall not require any extension of the release date in the
10 event the release plan changes after notification.

11 (2) If a person who has been found not guilty of a sex, violent, or
12 felony harassment offense by reason of insanity and who is committed
13 under this chapter escapes, the superintendent shall immediately
14 notify, by the most reasonable and expedient means available, the chief
15 of police of the city and the sheriff of the county in which the person
16 resided immediately before the person's arrest. If previously
17 requested, the superintendent shall also notify the witnesses and the
18 victim, if any, of the crime for which the person was committed or the
19 victim's next of kin if the crime was a homicide. The superintendent
20 shall also notify appropriate persons pursuant to RCW 10.77.165. If
21 the person is recaptured, the secretary shall send notice to the
22 persons designated in this subsection as soon as possible but in no
23 event later than two working days after the department learns of such
24 recapture.

25 (3) If the victim, the victim's next of kin, or any witness is
26 under the age of sixteen, the notice required by this section shall be
27 sent to the parents or legal guardian of the child.

28 (4) The department shall send the notices required by this chapter
29 to the last address provided to the department by the requesting party.
30 The requesting party shall furnish the department with a current
31 address.

32 (5) For purposes of this section the following terms have the
33 following meanings:

34 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

35 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

36 (c) "Next of kin" means a person's spouse, parents, siblings, and
37 children;

38 (d) "Authorized furlough" means a furlough granted after compliance
39 with RCW 10.77.163;

1 (e) "Felony harassment offense" means a crime of harassment as
2 defined in RCW 9A.46.060 that is a felony.

3 **Sec. 5.** RCW 13.40.215 and 1993 c 27 s 1 are each amended to read
4 as follows:

5 (1)(a) Except as provided in subsection (2) of this section, at the
6 earliest possible date, and in no event later than (~~ten~~) thirty days
7 before discharge, parole, or any other authorized leave or release, or
8 before transfer to a community residential facility, the secretary
9 shall send written notice of the discharge, parole, authorized leave or
10 release, or transfer of a juvenile found to have committed a violent
11 offense, a sex offense, or stalking, to the following:

12 (i) The chief of police of the city, if any, in which the juvenile
13 will reside; and

14 (ii) The sheriff of the county in which the juvenile will reside.

15 (b) The same notice as required by (a) of this subsection shall be
16 sent to the following, if such notice has been requested in writing
17 about a specific juvenile:

18 (i) The victim of the offense for which the juvenile was found to
19 have committed or the victim's next of kin if the crime was a homicide;

20 (ii) Any witnesses who testified against the juvenile in any court
21 proceedings involving the offense; and

22 (iii) Any person specified in writing by the prosecuting attorney.
23 Information regarding victims, next of kin, or witnesses requesting the
24 notice, information regarding any other person specified in writing by
25 the prosecuting attorney to receive the notice, and the notice are
26 confidential and shall not be available to the juvenile. The notice to
27 the chief of police or the sheriff shall include the identity of the
28 juvenile, the residence where the juvenile will reside, the identity of
29 the person, if any, responsible for supervising the juvenile, and the
30 time period of any authorized leave.

31 (c) The thirty-day notice requirements contained in this subsection
32 shall not apply to emergency medical furloughs.

33 (d) The existence of the notice requirements in this subsection
34 will not require any extension of the release date in the event the
35 release plan changes after notification.

36 (2)(a) If a juvenile found to have committed a violent offense, a
37 sex offense, or stalking escapes from a facility of the department, the
38 secretary shall immediately notify, by the most reasonable and

1 expedient means available, the chief of police of the city and the
2 sheriff of the county in which the juvenile resided immediately before
3 the juvenile's arrest. If previously requested, the secretary shall
4 also notify the witnesses and the victim of the offense which the
5 juvenile was found to have committed or the victim's next of kin if the
6 crime was a homicide. If the juvenile is recaptured, the secretary
7 shall send notice to the persons designated in this subsection as soon
8 as possible but in no event later than two working days after the
9 department learns of such recapture.

10 (b) The secretary may authorize a leave, for a juvenile found to
11 have committed a violent offense, a sex offense, or stalking, which
12 shall not exceed forty-eight hours plus travel time, to meet an
13 emergency situation such as a death or critical illness of a member of
14 the juvenile's family. The secretary may authorize a leave, which
15 shall not exceed the time medically necessary, to obtain medical care
16 not available in a juvenile facility maintained by the department.
17 Prior to the commencement of an emergency or medical leave, the
18 secretary shall give notice of the leave to the appropriate law
19 enforcement agency in the jurisdiction in which the juvenile will be
20 during the leave period. The notice shall include the identity of the
21 juvenile, the time period of the leave, the residence of the juvenile
22 during the leave, and the identity of the person responsible for
23 supervising the juvenile during the leave. If previously requested,
24 the department shall also notify the witnesses and victim of the
25 offense which the juvenile was found to have committed or the victim's
26 next of kin if the offense was a homicide.

27 In case of an emergency or medical leave the secretary may waive
28 all or any portion of the requirements for leaves pursuant to RCW
29 13.40.205 (2)(a), (3), (4), and (5).

30 (3) If the victim, the victim's next of kin, or any witness is
31 under the age of sixteen, the notice required by this section shall be
32 sent to the parents or legal guardian of the child.

33 (4) The secretary shall send the notices required by this chapter
34 to the last address provided to the department by the requesting party.
35 The requesting party shall furnish the department with a current
36 address.

37 (5) For purposes of this section the following terms have the
38 following meanings:

39 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

1 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

2 (c) "Stalking" means the crime of stalking as defined in RCW
3 9A.46.110;

4 (d) "Next of kin" means a person's spouse, parents, siblings, and
5 children.

6 **Sec. 6.** RCW 43.43.745 and 1993 c 24 s 1 are each amended to read
7 as follows:

8 (1) It shall be the duty of the sheriff or director of public
9 safety of every county, of the chief of police of each city or town, or
10 of every chief officer of other law enforcement agencies operating
11 within this state, to record the fingerprints of all persons held in or
12 remanded to their custody when convicted of any crime as provided for
13 in RCW 43.43.735 for which the penalty of imprisonment might be imposed
14 and to disseminate and file such fingerprints in the same manner as
15 those recorded upon arrest pursuant to RCW 43.43.735 and 43.43.740.

16 (2) Every time the secretary authorizes a furlough as provided for
17 in RCW 72.66.012 the department of corrections shall notify, (~~forty-~~
18 ~~eight hours~~) thirty days prior to the beginning of such furlough, the
19 sheriff or director of public safety of the county to which the
20 prisoner is being furloughed, the nearest Washington state patrol
21 district facility in the county wherein the furloughed prisoner is to
22 be residing, and other similar criminal justice agencies that the named
23 prisoner has been granted a furlough, the place to which furloughed,
24 and the dates and times during which the prisoner will be on furlough
25 status. In the case of an emergency furlough the (~~forty-eight hour~~)
26 thirty-day time period shall not be required but notification shall be
27 made as promptly as possible and before the prisoner is released on
28 furlough.

29 (3) Disposition of the charge for which the arrest was made shall
30 be reported to the section at whatever stage in the proceedings a final
31 disposition occurs by the arresting law enforcement agency, county
32 prosecutor, city attorney, or court having jurisdiction over the
33 offense: PROVIDED, That the chief shall promulgate rules pursuant to
34 chapter 34.05 RCW to carry out the provisions of this subsection.

35 (4) Whenever a person serving a sentence for a term of confinement
36 in a state correctional facility for convicted felons, pursuant to
37 court commitment, is released on an order of the state indeterminate
38 sentence review board, or is discharged from custody on expiration of

1 sentence, the department of corrections shall promptly notify the
2 sheriff or director of public safety, the nearest Washington state
3 patrol district facility, and other similar criminal justice agencies
4 that the named person has been released or discharged, the place to
5 which such person has been released or discharged, and the conditions
6 of his or her release or discharge.

7 Local law enforcement agencies (~~may~~) shall require persons
8 convicted of sex offenses to register pursuant to RCW 9A.44.130. In
9 addition, nothing in this section shall be construed to prevent any
10 local law enforcement authority from recording the residency and other
11 information concerning any convicted felon or other person convicted of
12 a criminal offense when such information is obtained from a source
13 other than from registration pursuant to RCW 9A.44.130 which source may
14 include any officer or other agency or subdivision of the state.

15 (5) The existence of the notice requirement in subsection (2) of
16 this section will not require any extension of the release date in the
17 event the release plan changes after notification.

18 **Sec. 7.** RCW 71.05.325 and 1990 c 3 s 111 are each amended to read
19 as follows:

20 (1) Before a person committed under grounds set forth in RCW
21 71.05.280(3) is released from involuntary treatment because a new
22 petition for involuntary treatment has not been filed under RCW
23 71.05.320(2), the superintendent, professional person, or designated
24 mental health professional responsible for the decision whether to file
25 a new petition shall in writing notify the prosecuting attorney of the
26 county in which the criminal charges against the committed person were
27 dismissed, of the decision not to file a new petition for involuntary
28 treatment. Notice shall be provided at least (~~thirty~~) forty-five
29 days before the period of commitment expires.

30 (2)(a) Before a person committed under grounds set forth in RCW
31 71.05.280(3) is permitted temporarily to leave a treatment facility
32 pursuant to RCW 71.05.270 for any period of time without constant
33 accompaniment by facility staff, the superintendent, professional
34 person in charge of a treatment facility, or his or her professional
35 designee shall in writing notify the prosecuting attorney of any county
36 to which the person is to be released and the prosecuting attorney of
37 the county in which the criminal charges against the committed person
38 were dismissed, of the decision conditionally to release the person.

1 The notice shall be provided at least (~~thirty~~) forty-five days before
2 the anticipated release and shall describe the conditions under which
3 the release is to occur.

4 (b) The provisions of RCW 71.05.330(2) apply to proposed temporary
5 releases, and either or both prosecuting attorneys receiving notice
6 under this subsection may petition the court under RCW 71.05.330(2).

7 (3) Nothing in this section shall be construed to authorize
8 detention of a person unless a valid order of commitment is in effect.

9 (4) The existence of the notice requirements in this section will
10 not require any extension of the release date in the event the release
11 plan changes after notification.

12 (5) The notice requirements contained in this section shall not
13 apply to emergency medical furloughs.

14 (6) The notice provisions of this section are in addition to those
15 provided in RCW 71.05.425.

16 **Sec. 8.** RCW 71.05.425 and 1992 c 186 s 9 are each amended to read
17 as follows:

18 (1)(a) Except as provided in subsection (2) of this section, at the
19 earliest possible date, and in no event later than (~~ten~~) thirty days
20 before conditional release, final discharge, authorized leave under RCW
21 71.05.325(2), or transfer to a less-restrictive facility than a state
22 mental hospital, the superintendent shall send written notice of
23 conditional release, final discharge, authorized leave, or transfer of
24 a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following
25 dismissal of a sex, violent, or felony harassment offense pursuant to
26 RCW 10.77.090(3) to the following:

27 (i) The chief of police of the city, if any, in which the person
28 will reside; and

29 (ii) The sheriff of the county in which the person will reside.

30 (b) The same notice as required by (a) of this subsection shall be
31 sent to the following, if such notice has been requested in writing
32 about a specific person committed under RCW 71.05.280(3) or
33 71.05.320(2)(c) following dismissal of a sex, violent, or felony
34 harassment offense pursuant to RCW 10.77.090(3):

35 (i) The victim of the sex, violent, or felony harassment offense
36 that was dismissed pursuant to RCW 10.77.090(3) preceding commitment
37 under RCW 71.05.280(3) or 71.05.320(2)(c) or the victim's next of kin
38 if the crime was a homicide;

1 (ii) Any witnesses who testified against the person in any court
2 proceedings; and

3 (iii) Any person specified in writing by the prosecuting attorney.
4 Information regarding victims, next of kin, or witnesses requesting the
5 notice, information regarding any other person specified in writing by
6 the prosecuting attorney to receive the notice, and the notice are
7 confidential and shall not be available to the person committed under
8 this chapter.

9 (c) The thirty-day notice requirements contained in this subsection
10 shall not apply to emergency medical furloughs.

11 (d) The existence of the notice requirements in this subsection
12 will not require any extension of the release date in the event the
13 release plan changes after notification.

14 (2) If a person committed under RCW 71.05.280(3) or 71.05.320(2)(c)
15 following dismissal of a sex, violent, or felony harassment offense
16 pursuant to RCW 10.77.090(3) escapes, the superintendent shall
17 immediately notify, by the most reasonable and expedient means
18 available, the chief of police of the city and the sheriff of the
19 county in which the person resided immediately before the person's
20 arrest. If previously requested, the superintendent shall also notify
21 the witnesses and the victim of the sex, violent, or felony harassment
22 offense that was dismissed pursuant to RCW 10.77.090(3) preceding
23 commitment under RCW 71.05.280(3) or 71.05.320(2) or the victim's next
24 of kin if the crime was a homicide. In addition, the secretary shall
25 also notify appropriate parties pursuant to RCW 71.05.410. If the
26 person is recaptured, the superintendent shall send notice to the
27 persons designated in this subsection as soon as possible but in no
28 event later than two working days after the department learns of such
29 recapture.

30 (3) If the victim, the victim's next of kin, or any witness is
31 under the age of sixteen, the notice required by this section shall be
32 sent to the parent or legal guardian of the child.

33 (4) The superintendent shall send the notices required by this
34 chapter to the last address provided to the department by the
35 requesting party. The requesting party shall furnish the department
36 with a current address.

37 (5) For purposes of this section the following terms have the
38 following meanings:

39 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

1 (b) "Sex offense" means a sex offense under RCW 9.94A.030;
2 (c) "Next of kin" means a person's spouse, parents, siblings, and
3 children;
4 (d) "Felony harassment offense" means a crime of harassment as
5 defined in RCW 9A.46.060 that is a felony.

--- END ---