
SUBSTITUTE HOUSE BILL 2545

State of Washington

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By House Committee on Corrections (originally sponsored by Representatives Sehlin, Sheahan, Goldsmith, Robertson, L. Thomas, Mulliken, Sheldon, McMahan, Conway, Costa, Patterson, Chopp, Ogden, Hatfield, Hickel, Campbell, Mitchell, Morris, Johnson, Hymes, Thompson, Silver and McMorris)

Read first time 01/26/96.

1 AN ACT Relating to sex offender notification; amending RCW 4.24.550
2 and 70.48.470; and adding a new section to chapter 72.09 RCW.

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

4 **Sec. 1.** RCW 4.24.550 and 1994 c 129 s 2 are each amended to read
5 as follows:

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

9 (2) Local law enforcement agencies and officials who decide to
10 release information pursuant to this section shall make a good faith
11 effort to notify the public and residents at least fourteen days before
12 the sex offender is released. If a change occurs in the release plan,
13 this notification provision will not require an extension of the
14 release date. The department of corrections and the department of
15 social and health services shall provide local law enforcement
16 officials with all relevant information on sex offenders about to be
17 released or placed into the community in a timely manner. When a sex
18 offender under county jurisdiction will be released from jail and will
19 reside in a county other than the county of incarceration, the chief

1 law enforcement officer of the jail, or his or her designee, shall
2 notify the sheriff in the county where the offender will reside of the
3 offender's release as provided in RCW 70.48.470.

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

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

23 (5) Nothing in this section implies that information regarding
24 persons designated in subsections (2) and (3) of this section is
25 confidential except as otherwise provided by statute.

26 **Sec. 2.** RCW 70.48.470 and 1990 c 3 s 406 are each amended to read
27 as follows:

28 (1) A person having charge of a jail shall notify in writing any
29 confined person who is in the custody of the jail for a conviction of
30 a sexual offense as defined in RCW 9.94A.030 of the registration
31 requirements of RCW 9A.44.130 at the time of the inmate's release from
32 confinement, and shall obtain written acknowledgment of such
33 notification. The person shall also obtain from the inmate the county
34 of the inmate's residence upon release from jail.

35 (2) If an inmate convicted of a sexual offense will reside in a
36 county other than the county of incarceration upon release, the chief
37 law enforcement officer, or his or her designee, shall notify the
38 sheriff of the county where the inmate will reside of the inmate's

1 impending release. Notice shall be provided at least fourteen days
2 prior to the inmate's release, or if the release date is not known at
3 least fourteen days prior to release, notice shall be provided not
4 later than the day after the inmate's release.

5 NEW SECTION. Sec. 3. A new section is added to chapter 72.09 RCW
6 to read as follows:

7 (1) In order for public agencies to have the information necessary
8 for notifying the public about sex offenders under RCW 4.24.550, the
9 department may issue to appropriate law enforcement agencies special
10 notices regarding the pending release of sex offenders who pose a
11 potential danger to public safety.

12 (2) Any special notice issued under subsection (1) of this section
13 shall include a nonbinding recommendation to the law enforcement
14 agencies regarding the sex offender's proper classification for
15 purposes of the public notification.

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