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HOUSE BILL 2545

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State of Washington

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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 01/12/96. Referred to Committee on Corrections.

1 AN ACT Relating to sex offender notification; and amending RCW  
2 4.24.550 and 70.48.470.

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

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