
HOUSE BILL 2795

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By Representatives Sherstad, Ballasiotes, Quall, Koster, Schoesler, Silver, Thompson, Costa, Blanton, Conway and Basich

Read first time 01/19/96. Referred to Committee on Corrections.

1 AN ACT Relating to release to the public of information regarding
2 sex offenders; and amending RCW 4.24.550, 13.40.215, and 13.40.217.

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. This
9 authority exists whether or not the public agency received notification
10 about the sex offender from the department of corrections or the
11 department of social and health services or any other public agency.

12 (2) Local law enforcement agencies and officials who decide to
13 release information pursuant to this section shall make a good faith
14 effort to notify the public and residents at least fourteen days before
15 the sex offender is released or if the offender receives a special sex
16 offender disposition alternative under RCW 13.40.160(5) or special sex
17 offender sentencing alternative under RCW 9.94A.120(7) at least thirty
18 days after the sex offender is sentenced. If a change occurs in the
19 release plan, this notification provision will not require an extension

1 of the release date. The department of corrections, juvenile court,
2 and the department of social and health services shall provide local
3 law enforcement officials with all relevant information on sex
4 offenders about to be released or placed into, or allowed to remain in
5 the community in a timely manner.

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

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

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

28 **Sec. 2.** RCW 13.40.215 and 1995 c 324 s 1 are each amended to read
29 as follows:

30 (1)(a) Except as provided in subsection (2) of this section, at the
31 earliest possible date, and in no event later than thirty days before
32 discharge, parole, or any other authorized leave or release, or before
33 transfer to a community residential facility, the secretary shall send
34 written notice of the discharge, parole, authorized leave or release,
35 or transfer of a juvenile found to have committed a violent offense, a
36 sex offense, or stalking, to the following:

37 (i) The chief of police of the city, if any, in which the juvenile
38 will reside;

1 (ii) The sheriff of the county in which the juvenile will reside;
2 and

3 (iii) The approved private schools and the common school district
4 board of directors of the district in which the juvenile intends to
5 reside or the approved private school or public school district in
6 which the juvenile last attended school, whichever is appropriate,
7 except when it has been determined by the department that the juvenile
8 is twenty-one years old; is not required to return to school under
9 chapter 28A.225 RCW; or will be in the community for less than seven
10 consecutive days on approved leave and will not be attending school
11 during that time.

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

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

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

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

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

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

33 (2)(a) If a juvenile found to have committed a violent offense, a
34 sex offense, or stalking escapes from a facility of the department, the
35 secretary shall immediately notify, by the most reasonable and
36 expedient means available, the chief of police of the city and the
37 sheriff of the county in which the juvenile resided immediately before
38 the juvenile's arrest. If previously requested, the secretary shall
39 also notify the witnesses and the victim of the offense which the

1 juvenile was found to have committed or the victim's next of kin if the
2 crime was a homicide. If the juvenile is recaptured, the secretary
3 shall send notice to the persons designated in this subsection as soon
4 as possible but in no event later than two working days after the
5 department learns of such recapture.

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

23 In case of an emergency or medical leave the secretary may waive
24 all or any portion of the requirements for leaves pursuant to RCW
25 13.40.205 (2)(a), (3), (4), and (5).

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

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

33 (5)(a) Except as provided in subsection (2) of this section, at the
34 earliest possible date, and in no event later than thirty days before
35 discharge, parole, or any other authorized leave or release, or before
36 transfer to a community residential facility, the secretary shall send
37 written notice of the discharge, parole, authorized leave or release,
38 or transfer of a juvenile found to have committed a violent offense, a
39 sex offense, or stalking, to the following:

1 (i) The chief of police of the city, if any, in which the juvenile
2 will reside;

3 (ii) The sheriff of the county in which the juvenile will reside;
4 and

5 (iii) The approved private schools and the common school district
6 board of directors of the district in which the juvenile intends to
7 reside or the approved private school or public school district in
8 which the juvenile last attended school, whichever is appropriate,
9 except when it has been determined by the department that the juvenile
10 is twenty-one years old; is not required to return to school under
11 chapter 28A.225 RCW; or will be in the community for less than seven
12 consecutive days on approved leave and will not be attending school
13 during that time.

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

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

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

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

30 (6) Upon discharge, parole, or other authorized leave or release,
31 a convicted juvenile sex offender shall not attend a public elementary,
32 middle, or high school that is attended by a victim of the sex
33 offender. The parents or legal guardians of the convicted juvenile sex
34 offender shall be responsible for transportation or other costs
35 associated with or required by the sex offender's change in school that
36 otherwise would be paid by a school district. Upon discharge, parole,
37 or other authorized leave or release of a convicted juvenile sex
38 offender, the secretary shall send written notice of the discharge,
39 parole, or other authorized leave or release and the requirements of

1 this subsection to the common school district board of directors of the
2 district in which the sex offender intends to reside or the district in
3 which the sex offender last attended school, whichever is appropriate.

4 ((+6+)) (7) For purposes of this section the following terms have
5 the following meanings:

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

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

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

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

12 **Sec. 3.** RCW 13.40.217 and 1990 c 3 s 102 are each amended to read
13 as follows:

14 In addition to any other information required to be released under
15 this chapter, the department ~~((is))~~ and juvenile court are authorized,
16 pursuant to RCW 4.24.550, to release relevant information that is
17 necessary to protect the public concerning juveniles adjudicated of sex
18 offenses.

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