
SUBSTITUTE HOUSE BILL 2903

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Sherstad, Koster, Ballasiotes, Sterk, Crouse, McMahan, Blanton, D. Sommers, Goldsmith and Sheldon)

Read first time 02/02/96.

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

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

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

7 (1) Public agencies are authorized to release relevant and
8 necessary information regarding sex offenders to the public when the
9 release of the information is necessary for public protection. This
10 authority exists whether or not the public agency received notification
11 about the sex offender from the department of corrections or the
12 department of social and health services or any other public agency.

13 (2) Local law enforcement agencies and officials who decide to
14 release information pursuant to this section shall make a good faith
15 effort to notify the public and residents at least fourteen days before
16 the sex offender is released or if the offender receives a special sex
17 offender disposition alternative under RCW 13.40.160 or special sex
18 offender sentencing alternative under RCW 9.94A.120 at least thirty
19 days after the sex offender is sentenced. If a change occurs in the

1 release plan, this notification provision will not require an extension
2 of the release date. The department of corrections, juvenile court,
3 and the department of social and health services shall provide local
4 law enforcement officials with all relevant information on sex
5 offenders about to be released or placed into, or allowed to remain in
6 the community as part of the original sentence in a timely manner.

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

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

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

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

31 (1)(a) Except as provided in subsection (2) of this section, at the
32 earliest possible date, and in no event later than thirty days before
33 discharge, parole, or any other authorized leave or release, or before
34 transfer to a community residential facility, the secretary shall send
35 written notice of the discharge, parole, authorized leave or release,
36 or transfer of a juvenile found to have committed a violent offense, a
37 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 (c) The thirty-day notice requirements contained in this subsection
31 shall not apply to emergency medical furloughs.

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

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

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

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

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

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

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

35 (5) Except as provided in subsection (2) of this section, at the
36 earliest possible date, and in no event later than five days after
37 sentencing a sex offender to a special sex offender disposition
38 alternative under RCW 13.40.160(5), the juvenile court shall send
39 written notice of the disposition to the following:

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

3 (b) The sheriff of the county in which the juvenile will reside.

4 (6) Upon discharge, parole, or other authorized leave or release,
5 a convicted juvenile sex offender shall not attend a public elementary,
6 middle, or high school that is attended by a victim of the sex
7 offender. The parents or legal guardians of the convicted juvenile sex
8 offender shall be responsible for transportation or other costs
9 associated with or required by the sex offender's change in school that
10 otherwise would be paid by a school district. Upon discharge, parole,
11 or other authorized leave or release of a convicted juvenile sex
12 offender, the secretary shall send written notice of the discharge,
13 parole, or other authorized leave or release and the requirements of
14 this subsection to the common school district board of directors of the
15 district in which the sex offender intends to reside or the district in
16 which the sex offender last attended school, whichever is appropriate.

17 ~~((+6+))~~ (7) For purposes of this section the following terms have
18 the following meanings:

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

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

21 (c) "Stalking" means the crime of stalking as defined in RCW
22 9A.46.110;

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

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

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

32 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and shall take
35 effect immediately.

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