
SENATE BILL 6620

State of Washington

54th Legislature

1996 Regular Session

By Senators Quigley and Oke

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

1 AN ACT Relating to released sex offenders; amending RCW 9.94A.120
2 and 71.09.140; and reenacting and amending RCW 9.94A.155.

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

4 **Sec. 1.** RCW 9.94A.120 and 1995 c 108 s 3 are each amended to read
5 as follows:

6 When a person is convicted of a felony, the court shall impose
7 punishment as provided in this section.

8 (1) Except as authorized in subsections (2), (4), (5), (6), and (8)
9 of this section, the court shall impose a sentence within the sentence
10 range for the offense.

11 (2) The court may impose a sentence outside the standard sentence
12 range for that offense if it finds, considering the purpose of this
13 chapter, that there are substantial and compelling reasons justifying
14 an exceptional sentence.

15 (3) Whenever a sentence outside the standard range is imposed, the
16 court shall set forth the reasons for its decision in written findings
17 of fact and conclusions of law. A sentence outside the standard range
18 shall be a determinate sentence.

1 (4) A persistent offender shall be sentenced to a term of total
2 confinement for life without the possibility of parole or, when
3 authorized by RCW 10.95.030 for the crime of aggravated murder in the
4 first degree, sentenced to death, notwithstanding the maximum sentence
5 under any other law. An offender convicted of the crime of murder in
6 the first degree shall be sentenced to a term of total confinement not
7 less than twenty years. An offender convicted of the crime of assault
8 in the first degree or assault of a child in the first degree where the
9 offender used force or means likely to result in death or intended to
10 kill the victim shall be sentenced to a term of total confinement not
11 less than five years. An offender convicted of the crime of rape in
12 the first degree shall be sentenced to a term of total confinement not
13 less than five years. The foregoing minimum terms of total confinement
14 are mandatory and shall not be varied or modified as provided in
15 subsection (2) of this section. In addition, all offenders subject to
16 the provisions of this subsection shall not be eligible for community
17 custody, earned early release time, furlough, home detention, partial
18 confinement, work crew, work release, or any other form of early
19 release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8),
20 or any other form of authorized leave of absence from the correctional
21 facility while not in the direct custody of a corrections officer or
22 officers during such minimum terms of total confinement except in the
23 case of an offender in need of emergency medical treatment or for the
24 purpose of commitment to an inpatient treatment facility in the case of
25 an offender convicted of the crime of rape in the first degree.

26 (5) In sentencing a first-time offender the court may waive the
27 imposition of a sentence within the sentence range and impose a
28 sentence which may include up to ninety days of confinement in a
29 facility operated or utilized under contract by the county and a
30 requirement that the offender refrain from committing new offenses.
31 The sentence may also include up to two years of community supervision,
32 which, in addition to crime-related prohibitions, may include
33 requirements that the offender perform any one or more of the
34 following:

- 35 (a) Devote time to a specific employment or occupation;
- 36 (b) Undergo available outpatient treatment for up to two years, or
37 inpatient treatment not to exceed the standard range of confinement for
38 that offense;

1 (c) Pursue a prescribed, secular course of study or vocational
2 training;

3 (d) Remain within prescribed geographical boundaries and notify the
4 court or the community corrections officer prior to any change in the
5 offender's address or employment;

6 (e) Report as directed to the court and a community corrections
7 officer; or

8 (f) Pay all court-ordered legal financial obligations as provided
9 in RCW 9.94A.030 and/or perform community service work.

10 (6)(a) An offender is eligible for the special drug offender
11 sentencing alternative if:

12 (i) The offender is convicted of the manufacture, delivery, or
13 possession with intent to manufacture or deliver a controlled substance
14 classified in Schedule I or II that is a narcotic drug or a felony that
15 is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt,
16 criminal solicitation, or criminal conspiracy to commit such crimes,
17 and the violation does not involve a sentence enhancement under RCW
18 9.94A.310 (3) or (4);

19 (ii) The offender has no prior convictions for a felony in this
20 state, another state, or the United States; and

21 (iii) The offense involved only a small quantity of the particular
22 controlled substance as determined by the judge upon consideration of
23 such factors as the weight, purity, packaging, sale price, and street
24 value of the controlled substance.

25 (b) If the midpoint of the standard range is greater than one year
26 and the sentencing judge determines that the offender is eligible for
27 this option and that the offender and the community will benefit from
28 the use of the special drug offender sentencing alternative, the judge
29 may waive imposition of a sentence within the standard range and impose
30 a sentence that must include a period of total confinement in a state
31 facility for one-half of the midpoint of the standard range. During
32 incarceration in the state facility, offenders sentenced under this
33 subsection shall undergo a comprehensive substance abuse assessment and
34 receive, within available resources, treatment services appropriate for
35 the offender. The treatment services shall be designed by the division
36 of alcohol and substance abuse of the department of social and health
37 services, in cooperation with the department of corrections. If the
38 midpoint of the standard range is twenty-four months or less, no more
39 than three months of the sentence may be served in a work release

1 status. The court shall also impose one year of concurrent community
2 custody and community supervision that must include appropriate
3 outpatient substance abuse treatment, crime-related prohibitions
4 including a condition not to use illegal controlled substances, and a
5 requirement to submit to urinalysis or other testing to monitor that
6 status. The court may require that the monitoring for controlled
7 substances be conducted by the department or by a treatment
8 (~~alternative[s]~~) alternatives to street crime program or a comparable
9 court or agency-referred program. The offender may be required to pay
10 thirty dollars per month while on community custody to offset the cost
11 of monitoring. In addition, the court shall impose three or more of
12 the following conditions:

13 (i) Devote time to a specific employment or training;
14 (ii) Remain within prescribed geographical boundaries and notify
15 the court or the community corrections officer before any change in the
16 offender's address or employment;

17 (iii) Report as directed to a community corrections officer;

18 (iv) Pay all court-ordered legal financial obligations;

19 (v) Perform community service work;

20 (vi) Stay out of areas designated by the sentencing judge.

21 (c) If the offender violates any of the sentence conditions in (b)
22 of this subsection, the department shall impose sanctions
23 administratively, with notice to the prosecuting attorney and the
24 sentencing court. Upon motion of the court or the prosecuting
25 attorney, a violation hearing shall be held by the court. If the court
26 finds that conditions have been willfully violated, the court may
27 impose confinement consisting of up to the remaining one-half of the
28 midpoint of the standard range. All total confinement served during
29 the period of community custody shall be credited to the offender,
30 regardless of whether the total confinement is served as a result of
31 the original sentence, as a result of a sanction imposed by the
32 department, or as a result of a violation found by the court. The term
33 of community supervision shall be tolled by any period of time served
34 in total confinement as a result of a violation found by the court.

35 (d) The department shall determine the rules for calculating the
36 value of a day fine based on the offender's income and reasonable
37 obligations which the offender has for the support of the offender and
38 any dependents. These rules shall be developed in consultation with

1 the administrator for the courts, the office of financial management,
2 and the commission.

3 (7) If a sentence range has not been established for the
4 defendant's crime, the court shall impose a determinate sentence which
5 may include not more than one year of confinement, community service
6 work, a term of community supervision not to exceed one year, and/or
7 other legal financial obligations. The court may impose a sentence
8 which provides more than one year of confinement if the court finds,
9 considering the purpose of this chapter, that there are substantial and
10 compelling reasons justifying an exceptional sentence.

11 (8)(a)(i) When an offender is convicted of a sex offense other than
12 a violation of RCW 9A.44.050 or a sex offense that is also a serious
13 violent offense and has no prior convictions for a sex offense or any
14 other felony sex offenses in this or any other state, the sentencing
15 court, on its own motion or the motion of the state or the defendant,
16 may order an examination to determine whether the defendant is amenable
17 to treatment.

18 The report of the examination shall include at a minimum the
19 following: The defendant's version of the facts and the official
20 version of the facts, the defendant's offense history, an assessment of
21 problems in addition to alleged deviant behaviors, the offender's
22 social and employment situation, and other evaluation measures used.
23 The report shall set forth the sources of the evaluator's information.

24 The examiner shall assess and report regarding the defendant's
25 amenability to treatment and relative risk to the community. A
26 proposed treatment plan shall be provided and shall include, at a
27 minimum:

28 (A) Frequency and type of contact between offender and therapist;

29 (B) Specific issues to be addressed in the treatment and
30 description of planned treatment modalities;

31 (C) Monitoring plans, including any requirements regarding living
32 conditions, lifestyle requirements, and monitoring by family members
33 and others;

34 (D) Anticipated length of treatment; and

35 (E) Recommended crime-related prohibitions.

36 The court on its own motion may order, or on a motion by the state
37 shall order, a second examination regarding the offender's amenability
38 to treatment. The evaluator shall be selected by the party making the
39 motion. The defendant shall pay the cost of any second examination

1 ordered unless the court finds the defendant to be indigent in which
2 case the state shall pay the cost.

3 (ii) After receipt of the reports, the court shall consider whether
4 the offender and the community will benefit from use of this special
5 sexual offender sentencing alternative and consider the victim's
6 opinion whether the offender should receive a treatment disposition
7 under this subsection. If the court determines that this special sex
8 offender sentencing alternative is appropriate, the court shall then
9 impose a sentence within the sentence range. If this sentence is less
10 than eight years of confinement, the court may suspend the execution of
11 the sentence and impose the following conditions of suspension:

12 (A) The court shall place the defendant on community supervision
13 for the length of the suspended sentence or three years, whichever is
14 greater; and

15 (B) The court shall order treatment for any period up to three
16 years in duration. The court in its discretion shall order outpatient
17 sex offender treatment or inpatient sex offender treatment, if
18 available. A community mental health center may not be used for such
19 treatment unless it has an appropriate program designed for sex
20 offender treatment. The offender shall not change sex offender
21 treatment providers or treatment conditions without first notifying the
22 prosecutor, the community corrections officer, and the court, and shall
23 not change providers without court approval after a hearing if the
24 prosecutor or community corrections officer object to the change. In
25 addition, as conditions of the suspended sentence, the court may impose
26 other sentence conditions including up to six months of confinement,
27 not to exceed the sentence range of confinement for that offense,
28 crime-related prohibitions, and requirements that the offender perform
29 any one or more of the following:

30 (I) Devote time to a specific employment or occupation;

31 (II) Remain within prescribed geographical boundaries and notify
32 the court or the community corrections officer prior to any change in
33 the offender's address or employment;

34 (III) Report as directed to the court and a community corrections
35 officer;

36 (IV) Pay all court-ordered legal financial obligations as provided
37 in RCW 9.94A.030, perform community service work, or any combination
38 thereof; or

1 (V) Make recoupment to the victim for the cost of any counseling
2 required as a result of the offender's crime.

3 (iii) The sex offender therapist shall submit quarterly reports on
4 the defendant's progress in treatment to the court and the parties.
5 The report shall reference the treatment plan and include at a minimum
6 the following: Dates of attendance, defendant's compliance with
7 requirements, treatment activities, the defendant's relative progress
8 in treatment, and any other material as specified by the court at
9 sentencing.

10 (iv) At the time of sentencing, the court shall set a treatment
11 termination hearing for three months prior to the anticipated date for
12 completion of treatment. Prior to the treatment termination hearing,
13 the treatment professional and community corrections officer shall
14 submit written reports to the court and parties regarding the
15 defendant's compliance with treatment and monitoring requirements, and
16 recommendations regarding termination from treatment, including
17 proposed community supervision conditions. Either party may request
18 and the court may order another evaluation regarding the advisability
19 of termination from treatment. The defendant shall pay the cost of any
20 additional evaluation ordered unless the court finds the defendant to
21 be indigent in which case the state shall pay the cost. At the
22 treatment termination hearing the court may: (A) Modify conditions of
23 community supervision, and either (B) terminate treatment, or (C)
24 extend treatment for up to the remaining period of community
25 supervision.

26 (v) The court may revoke the suspended sentence at any time during
27 the period of community supervision and order execution of the sentence
28 if: (A) The defendant violates the conditions of the suspended
29 sentence, or (B) the court finds that the defendant is failing to make
30 satisfactory progress in treatment. All confinement time served during
31 the period of community supervision shall be credited to the offender
32 if the suspended sentence is revoked.

33 (vi) Except as provided in (a)(vii) of this subsection, after July
34 1, 1991, examinations and treatment ordered pursuant to this subsection
35 shall only be conducted by sex offender treatment providers certified
36 by the department of health pursuant to chapter 18.155 RCW.

37 (vii) A sex offender therapist who examines or treats a sex
38 offender pursuant to this subsection (8) does not have to be certified
39 by the department of health pursuant to chapter 18.155 RCW if the court

1 finds that: (A) The offender has already moved to another state or
2 plans to move to another state for reasons other than circumventing the
3 certification requirements; (B) no certified providers are available
4 for treatment within a reasonable geographical distance of the
5 offender's home; and (C) the evaluation and treatment plan comply with
6 this subsection (8) and the rules adopted by the department of health.

7 For purposes of this subsection, "victim" means any person who has
8 sustained emotional, psychological, physical, or financial injury to
9 person or property as a result of the crime charged. "Victim" also
10 means a parent or guardian of a victim who is a minor child unless the
11 parent or guardian is the perpetrator of the offense.

12 (b) When an offender commits any felony sex offense on or after
13 July 1, 1987, and is sentenced to a term of confinement of more than
14 one year but less than six years, the sentencing court may, on its own
15 motion or on the motion of the offender or the state, request the
16 department of corrections to evaluate whether the offender is amenable
17 to treatment and the department may place the offender in a treatment
18 program within a correctional facility operated by the department.

19 Except for an offender who has been convicted of a violation of RCW
20 9A.44.040 or 9A.44.050, if the offender completes the treatment program
21 before the expiration of his or her term of confinement, the department
22 of corrections may request the court to convert the balance of
23 confinement to community supervision and to place conditions on the
24 offender including crime-related prohibitions and requirements that the
25 offender perform any one or more of the following:

- 26 (i) Devote time to a specific employment or occupation;
- 27 (ii) Remain within prescribed geographical boundaries and notify
28 the court or the community corrections officer prior to any change in
29 the offender's address or employment;
- 30 (iii) Report as directed to the court and a community corrections
31 officer;
- 32 (iv) Undergo available outpatient treatment.

33 If the offender violates any of the terms of his or her community
34 supervision, the court may order the offender to serve out the balance
35 of his or her community supervision term in confinement in the custody
36 of the department of corrections.

37 Nothing in this subsection (8)(b) shall confer eligibility for such
38 programs for offenders convicted and sentenced for a sex offense

1 committed prior to July 1, 1987. This subsection (8)(b) does not apply
2 to any crime committed after July 1, 1990.

3 (c) Offenders convicted and sentenced for a sex offense committed
4 prior to July 1, 1987, may, subject to available funds, request an
5 evaluation by the department of corrections to determine whether they
6 are amenable to treatment. If the offender is determined to be
7 amenable to treatment, the offender may request placement in a
8 treatment program within a correctional facility operated by the
9 department. Placement in such treatment program is subject to
10 available funds.

11 (9)(a) When a court sentences a person to a term of total
12 confinement to the custody of the department of corrections for an
13 offense categorized as a sex offense or a serious violent offense
14 committed after July 1, 1988, but before July 1, 1990, assault in the
15 second degree, assault of a child in the second degree, any crime
16 against a person where it is determined in accordance with RCW
17 9.94A.125 that the defendant or an accomplice was armed with a deadly
18 weapon at the time of commission, or any felony offense under chapter
19 69.50 or 69.52 RCW not sentenced under subsection (6) of this section,
20 committed on or after July 1, 1988, the court shall in addition to the
21 other terms of the sentence, sentence the offender to a one-year term
22 of community placement beginning either upon completion of the term of
23 confinement or at such time as the offender is transferred to community
24 custody in lieu of earned early release in accordance with RCW
25 9.94A.150 (1) and (2). When the court sentences an offender under this
26 subsection to the statutory maximum period of confinement then the
27 community placement portion of the sentence shall consist entirely of
28 such community custody to which the offender may become eligible, in
29 accordance with RCW 9.94A.150 (1) and (2). Any period of community
30 custody actually served shall be credited against the community
31 placement portion of the sentence.

32 (b) When a court sentences a person to a term of total confinement
33 to the custody of the department of corrections for an offense
34 categorized as a sex offense or serious violent offense committed on or
35 after July 1, 1990, the court shall in addition to other terms of the
36 sentence, sentence the offender to community placement for two years or
37 up to the period of earned early release awarded pursuant to RCW
38 9.94A.150 (1) and (2), whichever is longer. The community placement
39 shall begin either upon completion of the term of confinement or at

1 such time as the offender is transferred to community custody in lieu
2 of earned early release in accordance with RCW 9.94A.150 (1) and (2).
3 When the court sentences an offender under this subsection to the
4 statutory maximum period of confinement then the community placement
5 portion of the sentence shall consist entirely of the community custody
6 to which the offender may become eligible, in accordance with RCW
7 9.94A.150 (1) and (2). Any period of community custody actually served
8 shall be credited against the community placement portion of the
9 sentence. Unless a condition is waived by the court, the terms of
10 community placement for offenders sentenced pursuant to this section
11 shall include the following conditions:

12 (i) The offender shall report to and be available for contact with
13 the assigned community corrections officer as directed;

14 (ii) The offender shall work at department of corrections-approved
15 education, employment, and/or community service;

16 (iii) The offender shall not consume controlled substances except
17 pursuant to lawfully issued prescriptions;

18 (iv) An offender in community custody shall not unlawfully possess
19 controlled substances;

20 (v) The offender shall pay supervision fees as determined by the
21 department of corrections; and

22 (vi) The residence location and living arrangements are subject to
23 the prior approval of the department of corrections during the period
24 of community placement.

25 (c) The court may also order any of the following special
26 conditions:

27 (i) The offender shall remain within, or outside of, a specified
28 geographical boundary;

29 (ii) The offender shall not have direct or indirect contact with
30 the victim of the crime or a specified class of individuals;

31 (iii) The offender shall participate in crime-related treatment or
32 counseling services;

33 (iv) The offender shall not consume alcohol; or

34 (v) The offender shall comply with any crime-related prohibitions.

35 (d) Prior to transfer to, or during, community placement, any
36 conditions of community placement may be removed or modified so as not
37 to be more restrictive by the sentencing court, upon recommendation of
38 the department of corrections.

1 (e) Prior to the release of an offender convicted of a felony sex
2 offense against a minor victim from a department of corrections
3 facility or the department of social and health services special
4 commitment center, the court shall impose and enforce an order
5 prohibiting the offender from living within fifty miles of the current
6 residence of the minor victim unless the court finds such an order
7 would not be in the best interests of the child or the whereabouts of
8 the minor victim cannot be determined. The order may also prohibit the
9 offender from living within a specified distance from schools or child
10 care centers if the court finds such a restriction would enhance public
11 safety. This prohibition shall remain in effect and be enforced by the
12 court for the maximum term of the crime or until the minor reaches age
13 of majority, whichever is longer. Nothing in this subsection (9)(e)
14 may be construed to limit a minor victim's ability to seek an extension
15 of the order or to obtain a protective order after the expiration of an
16 order imposed pursuant to this section.

17 (10) If the court imposes a sentence requiring confinement of
18 thirty days or less, the court may, in its discretion, specify that the
19 sentence be served on consecutive or intermittent days. A sentence
20 requiring more than thirty days of confinement shall be served on
21 consecutive days. Local jail administrators may schedule court-ordered
22 intermittent sentences as space permits.

23 (11) If a sentence imposed includes payment of a legal financial
24 obligation, the sentence shall specify the total amount of the legal
25 financial obligation owed, and shall require the offender to pay a
26 specified monthly sum toward that legal financial obligation.
27 Restitution to victims shall be paid prior to any other payments of
28 monetary obligations. Any legal financial obligation that is imposed
29 by the court may be collected by the department, which shall deliver
30 the amount paid to the county clerk for credit. The offender's
31 compliance with payment of legal financial obligations shall be
32 supervised by the department. All monetary payments ordered shall be
33 paid no later than ten years after the last date of release from
34 confinement pursuant to a felony conviction or the date the sentence
35 was entered. Independent of the department, the party or entity to
36 whom the legal financial obligation is owed shall have the authority to
37 utilize any other remedies available to the party or entity to collect
38 the legal financial obligation. Nothing in this section makes the
39 department, the state, or any of its employees, agents, or other

1 persons acting on their behalf liable under any circumstances for the
2 payment of these legal financial obligations. If an order includes
3 restitution as one of the monetary assessments, the county clerk shall
4 make disbursements to victims named in the order.

5 (12) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a
6 court may not impose a sentence providing for a term of confinement or
7 community supervision or community placement which exceeds the
8 statutory maximum for the crime as provided in chapter 9A.20 RCW.

9 (13) All offenders sentenced to terms involving community
10 supervision, community service, community placement, or legal financial
11 obligation shall be under the supervision of the secretary of the
12 department of corrections or such person as the secretary may designate
13 and shall follow explicitly the instructions of the secretary including
14 reporting as directed to a community corrections officer, remaining
15 within prescribed geographical boundaries, notifying the community
16 corrections officer of any change in the offender's address or
17 employment, and paying the supervision fee assessment. The department
18 may require offenders to pay for special services rendered on or after
19 July 25, 1993, including electronic monitoring, day reporting, and
20 telephone reporting, dependent upon the offender's ability to pay. The
21 department may pay for these services for offenders who are not able to
22 pay.

23 (14) All offenders sentenced to terms involving community
24 supervision, community service, or community placement under the
25 supervision of the department of corrections shall not own, use, or
26 possess firearms or ammunition. Offenders who own, use, or are found
27 to be in actual or constructive possession of firearms or ammunition
28 shall be subject to the appropriate violation process and sanctions.
29 "Constructive possession" as used in this subsection means the power
30 and intent to control the firearm or ammunition. "Firearm" as used in
31 this subsection means a weapon or device from which a projectile may be
32 fired by an explosive such as gunpowder.

33 (15) The sentencing court shall give the offender credit for all
34 confinement time served before the sentencing if that confinement was
35 solely in regard to the offense for which the offender is being
36 sentenced.

37 (16) A departure from the standards in RCW 9.94A.400 (1) and (2)
38 governing whether sentences are to be served consecutively or
39 concurrently is an exceptional sentence subject to the limitations in

1 subsections (2) and (3) of this section, and may be appealed by the
2 defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

3 (17) The court shall order restitution whenever the offender is
4 convicted of a felony that results in injury to any person or damage to
5 or loss of property, whether the offender is sentenced to confinement
6 or placed under community supervision, unless extraordinary
7 circumstances exist that make restitution inappropriate in the court's
8 judgment. The court shall set forth the extraordinary circumstances in
9 the record if it does not order restitution.

10 (18) As a part of any sentence, the court may impose and enforce an
11 order that relates directly to the circumstances of the crime for which
12 the offender has been convicted, prohibiting the offender from having
13 any contact with other specified individuals or a specific class of
14 individuals for a period not to exceed the maximum allowable sentence
15 for the crime, regardless of the expiration of the offender's term of
16 community supervision or community placement.

17 (19) In any sentence of partial confinement, the court may require
18 the defendant to serve the partial confinement in work release, in a
19 program of home detention, on work crew, or in a combined program of
20 work crew and home detention.

21 (20) All court-ordered legal financial obligations collected by the
22 department and remitted to the county clerk shall be credited and paid
23 where restitution is ordered. Restitution shall be paid prior to any
24 other payments of monetary obligations.

25 **Sec. 2.** RCW 9.94A.155 and 1994 c 129 s 3 and 1994 c 77 s 1 are
26 each reenacted and amended to read as follows:

27 (1) At the earliest possible date, and in no event later than
28 thirty days before release except in the event of escape or emergency
29 furloughs as defined in RCW 72.66.010, the department of corrections
30 shall send written notice of parole, release, community placement, work
31 release placement, furlough, or escape about a specific inmate
32 convicted of a violent offense, a sex offense as defined by RCW
33 9.94A.030, or a felony harassment offense as defined by RCW 9A.46.060
34 or 9A.46.110, to the following:

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

1 (b) The sheriff of the county in which the inmate will reside or in
2 which placement will be made in a work release program; and

3 (c) If the offender was convicted of a felony sex offense against
4 a minor victim, the appropriate court.

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

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

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

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

20 (c) Any person specified in writing by the prosecuting attorney.
21 Information regarding victims, next of kin, or witnesses requesting the
22 notice, information regarding any other person specified in writing by
23 the prosecuting attorney to receive the notice, and the notice are
24 confidential and shall not be available to the inmate. Whenever the
25 department of corrections mails notice pursuant to this subsection and
26 the notice is returned as undeliverable, the department shall attempt
27 alternative methods of notification, including a telephone call to the
28 person's last known telephone number.

29 (3) The existence of the notice requirements contained in
30 subsections (1) and (2) of this section shall not require an extension
31 of the release date in the event that the release plan changes after
32 notification.

33 (4) If an inmate convicted of a violent offense, a sex offense as
34 defined by RCW 9.94A.030, or a felony harassment offense as defined by
35 RCW 9A.46.060 or 9A.46.110, escapes from a correctional facility, the
36 department of corrections shall immediately notify, by the most
37 reasonable and expedient means available, the chief of police of the
38 city and the sheriff of the county in which the inmate resided
39 immediately before the inmate's arrest and conviction. If previously

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

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

10 (6) The department of corrections shall send the notices required
11 by this chapter to the last address provided to the department by the
12 requesting party. The requesting party shall furnish the department
13 with a current address.

14 (7) The department of corrections shall keep, for a minimum of two
15 years following the release of an inmate, the following:

16 (a) A document signed by an individual as proof that that person is
17 registered in the victim or witness notification program; and

18 (b) A receipt showing that an individual registered in the victim
19 or witness notification program was mailed a notice, at the
20 individual's last known address, upon the release or movement of an
21 inmate.

22 (8) For purposes of this section the following terms have the
23 following meanings:

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

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

27 (9) Nothing in this section shall impose any liability upon a chief
28 of police of a city or sheriff of a county for failing to request in
29 writing a notice as provided in subsection (1) of this section.

30 **Sec. 3.** RCW 71.09.140 and 1995 c 216 s 17 are each amended to read
31 as follows:

32 (1) At the earliest possible date, and in no event later than
33 thirty days before conditional release or unconditional discharge,
34 except in the event of escape, the department of social and health
35 services shall send written notice of conditional release,
36 unconditional discharge, or escape, to the following:

1 (a) The chief of police of the city, if any, in which the person
2 will reside or in which placement will be made under a less restrictive
3 alternative;

4 (b) The sheriff of the county in which the person will reside or in
5 which placement will be made under a less restrictive alternative;
6 ((and))

7 (c) The sheriff of the county where the person was last convicted
8 of a sexually violent offense, if the department does not know where
9 the person will reside; and

10 (d) If the offender was convicted of a felony sex offense against
11 a minor victim, the appropriate court.

12 The department shall notify the state patrol of the release of all
13 sexually violent predators and that information shall be placed in the
14 Washington crime information center for dissemination to all law
15 enforcement.

16 (2) The same notice as required by subsection (1) of this section
17 shall be sent to the following if such notice has been requested in
18 writing about a specific person found to be a sexually violent predator
19 under this chapter:

20 (a) The victim or victims of any sexually violent offenses for
21 which the person was convicted in the past or the victim's next of kin
22 if the crime was a homicide. "Next of kin" as used in this section
23 means a person's spouse, parents, siblings, and children;

24 (b) Any witnesses who testified against the person in his or her
25 commitment trial under RCW 71.09.060; and

26 (c) Any person specified in writing by the prosecuting attorney.

27 Information regarding victims, next of kin, or witnesses requesting
28 the notice, information regarding any other person specified in writing
29 by the prosecuting attorney to receive the notice, and the notice are
30 confidential and shall not be available to the committed person.

31 (3) If a person committed as a sexually violent predator under this
32 chapter escapes from a department of social and health services
33 facility, the department shall immediately notify, by the most
34 reasonable and expedient means available, the chief of police of the
35 city and the sheriff of the county in which the committed person
36 resided immediately before his or her commitment as a sexually violent
37 predator, or immediately before his or her incarceration for his or her
38 most recent offense. If previously requested, the department shall
39 also notify the witnesses and the victims of the sexually violent

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

6 (4) If the victim or victims of any sexually violent offenses for
7 which the person was convicted in the past or the victim's next of kin,
8 or any witness is under the age of sixteen, the notice required by this
9 section shall be sent to the parents or legal guardian of the child.

10 (5) The department of social and health services shall send the
11 notices required by this chapter to the last address provided to the
12 department by the requesting party. The requesting party shall furnish
13 the department with a current address.

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

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