

HOUSE BILL ANALYSIS

ESSB 5759

Title: An act relating to sex offender risk level classification and public notification procedures.

Brief Description: Changing sex offender risk level classification and public notification procedures.

Sponsors: Senators Long, Hargrove, Zarelli, Franklin, Winsley, Oke and Roach.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841)

Background: Under current law, local law enforcement agencies and officials are authorized to make public notifications regarding the release of sex offenders from confinement.

Each local jurisdiction makes its own determination of how to classify a sex offender and what type of public notification is appropriate under the circumstances. Generally, sex offenders are classified into risk level I, II, or III, depending on the local jurisdiction's assessment of the risk posed by the offender to the community.

Concerns have been raised about the variations in risk level classification decisions and the types of public notifications that are made across the state, particularly when an offender moves from one jurisdiction to another.

Additional concerns have been raised about the difficulty local jurisdictions have in obtaining all the information needed to make an informed decision about the appropriate risk level classification. It has been suggested that, under most circumstances, the releasing agency has more complete information about the offender and is in a better position to assign an appropriate classification.

Summary: The Department of Corrections (DOC), the Juvenile Rehabilitation Administration (JRA), and the Indeterminate Sentence Review Board (ISRB) are required to classify all sex offenders released from their facilities into risk levels I (low risk), II (moderate risk), or III (high risk) for the purposes of public notification.

These releasing agencies must issue to appropriate law enforcement agencies narrative notices that contain the identity, criminal history behavior, and risk level classification for each sex offender being released, and for level II and III offenders, the reasons underlying the classification.

Local law enforcement agencies are required to consider the state classification level when assigning

their own level for public notification purposes. When a local jurisdiction assigns a different risk classification level than the one assigned by the releasing agency, the local jurisdiction must notify the releasing agency of its decision and its reasons for doing so.

Immunity from civil liability is extended to the classification decisions made by a releasing agency or a local law enforcement agency, unless the decision is made with gross negligence or in bad faith. The decision of a local law enforcement agency to classify a sex offender differently than the releasing agency shall not, by itself, be considered gross negligence or bad faith.

The nature and scope of permissible public notifications are identified for each risk level classification. Notifications for level I sex offenders may include the release of information to other appropriate law enforcement agencies and, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender will reside.

Notifications for level II sex offenders may include public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides.

Notifications for level III sex offenders may also include dissemination of relevant, necessary and accurate information to the general public.

The DOC is required to administer an end-of-sentence review committee for the purposes of assigning risk levels, reviewing available release plans, and making appropriate referrals for sex offenders. The committee must have access to all relevant information in the possession of public agencies.

The Washington Association of Sheriffs and Police Chiefs is directed to develop a model policy for public notifications by December 1, 1997. The association must consult with specified stakeholder groups. The issues to be included in the policy are specified, including, among other things, the contents and forms for community notification documents.

The DOC, the JRA, and the ISRB are required to jointly develop the standards for determining what constitutes low, moderate, and high risk for the purposes of classifying offenders as level I, II, or III.

The DOC, the DSHS, and the ISRB must each prepare a report to the Legislature by December 1, 1998, indicating how many sex offenders have been released and assigned to each risk level classification. The report must also identify the number, jurisdictions, and circumstances where local law enforcement agencies made different risk level classifications than the releasing agency.

Local jail administrators are required to obtain from sex offenders in local jails the city, in addition to the county, where the inmate intends to reside upon release. The administrator must then notify the sheriff of the county and, where applicable, the police chief of the city where the offender intends to reside upon release.

Other technical and clarifying changes are made.

Require the Exercise of Rule- Making Powers: No.

Fiscal Note: Requested on March 25, 1997.

Effective Date: Ninety days after adjournment of session in which bill is passed.