

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1172

Chapter 220, Laws of 1998

55th Legislature
1998 Regular Session

SEX OFFENDER REGISTRATION

EFFECTIVE DATE: 6/11/98

Passed by the House March 7, 1998
Yeas 96 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1998
Yeas 46 Nays 0

BRAD OWEN
President of the Senate

Approved March 30, 1998

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1172** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 30, 1998 - 2:59 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1172

Passed Legislature - 1998 Regular Session

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Representatives D. Sommers, Sterk, O'Brien, Koster, Thompson, Delvin, Sherstad, Schoesler, Hatfield and Conway

Read first time 01/16/97. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to sex offender registration; amending RCW
2 9A.44.135, 9A.44.140, 43.43.540, and 4.24.130; and reenacting and
3 amending RCW 9A.44.130 and 4.24.550.

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

5 **Sec. 1.** RCW 9A.44.130 and 1997 c 340 s 3 and 1997 c 113 s 3 are
6 each reenacted and amended to read as follows:

7 (1) Any adult or juvenile residing, or who is a student, is
8 employed, or carries on a vocation in this state who has been found to
9 have committed or has been convicted of any sex offense or kidnapping
10 offense, or who has been found not guilty by reason of insanity under
11 chapter 10.77 RCW of committing any sex offense or kidnapping offense,
12 shall register with the county sheriff for the county of the person's
13 residence, or if the person is not a resident of Washington, the county
14 of the person's school, or place of employment or vocation. Where a
15 person required to register under this section is in custody of the
16 state department of corrections, the state department of social and
17 health services, a local division of youth services, or a local jail or
18 juvenile detention facility as a result of a sex offense or kidnapping
19 offense, the person shall also register at the time of release from

1 custody with an official designated by the agency that has jurisdiction
2 over the person.

3 (2) The person shall provide (~~the county sheriff with~~) the
4 following information when registering: (a) Name; (b) address; (c)
5 date and place of birth; (d) place of employment; (e) crime for which
6 convicted; (f) date and place of conviction; (g) aliases used; (~~and~~)
7 (h) social security number; (i) photograph; and (j) fingerprints.

8 (3)(a) Offenders shall register within the following deadlines.
9 For purposes of this section the term "conviction" refers to adult
10 convictions and juvenile adjudications for sex offenses or kidnapping
11 offenses:

12 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
13 offense on, before, or after February 28, 1990, and who, on or after
14 July 28, 1991, are in custody, as a result of that offense, of the
15 state department of corrections, the state department of social and
16 health services, a local division of youth services, or a local jail or
17 juvenile detention facility, and (B) kidnapping offenders who on or
18 after July 27, 1997, are in custody of the state department of
19 corrections, the state department of social and health services, a
20 local division of youth services, or a local jail or juvenile detention
21 facility, must register at the time of release from custody with an
22 official designated by the agency that has jurisdiction over the
23 offender. The agency shall within three days forward the registration
24 information to the county sheriff for the county of the offender's
25 anticipated residence. The offender must also register within twenty-
26 four hours from the time of release with the county sheriff for the
27 county of the person's residence, or if the person is not a resident of
28 Washington, the county of the person's school, or place of employment
29 or vocation. The agency that has jurisdiction over the offender shall
30 provide notice to the offender of the duty to register. Failure to
31 register at the time of release and within twenty-four hours of release
32 constitutes a violation of this section and is punishable as provided
33 in subsection (~~(7)~~) (8) of this section.

34 When the agency with jurisdiction intends to release an offender
35 with a duty to register under this section, and the agency has
36 knowledge that the offender is eligible for developmental disability
37 services from the department of social and health services, the agency
38 shall notify the division of developmental disabilities of the release.
39 Notice shall occur not more than thirty days before the offender is to

1 be released. The agency and the division shall assist the offender in
2 meeting the initial registration requirement under this section.
3 Failure to provide such assistance shall not constitute a defense for
4 any violation of this section.

5 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
6 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
7 but are under the jurisdiction of the indeterminate sentence review
8 board or under the department of correction's active supervision, as
9 defined by the department of corrections, the state department of
10 social and health services, or a local division of youth services, for
11 sex offenses committed before, on, or after February 28, 1990, must
12 register within ten days of July 28, 1991. Kidnapping offenders who,
13 on July 27, 1997, are not in custody but are under the jurisdiction of
14 the indeterminate sentence review board or under the department of
15 correction's active supervision, as defined by the department of
16 corrections, the state department of social and health services, or a
17 local division of youth services, for kidnapping offenses committed
18 before, on, or after July 27, 1997, must register within ten days of
19 July 27, 1997. A change in supervision status of a sex offender who
20 was required to register under this subsection (3)(a)(ii) as of July
21 28, 1991, or a kidnapping offender required to register as of July 27,
22 1997, shall not relieve the offender of the duty to register or to
23 reregister following a change in residence. The obligation to register
24 shall only cease pursuant to RCW 9A.44.140.

25 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
26 or after July 23, 1995, and kidnapping offenders who, on or after July
27 27, 1997, as a result of that offense are in the custody of the United
28 States bureau of prisons or other federal or military correctional
29 agency for sex offenses committed before, on, or after February 28,
30 1990, or kidnapping offenses committed on, before, or after July 27,
31 1997, must register within twenty-four hours from the time of release
32 with the county sheriff for the county of the person's residence, or if
33 the person is not a resident of Washington, the county of the person's
34 school, or place of employment or vocation. Sex offenders who, on July
35 23, 1995, are not in custody but are under the jurisdiction of the
36 United States bureau of prisons, United States courts, United States
37 parole commission, or military parole board for sex offenses committed
38 before, on, or after February 28, 1990, must register within ten days
39 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not

1 in custody but are under the jurisdiction of the United States bureau
2 of prisons, United States courts, United States parole commission, or
3 military parole board for kidnapping offenses committed before, on, or
4 after July 27, 1997, must register within ten days of July 27, 1997.
5 A change in supervision status of a sex offender who was required to
6 register under this subsection (3)(a)(iii) as of July 23, 1995, or a
7 kidnapping offender required to register as of July 27, 1997 shall not
8 relieve the offender of the duty to register or to reregister following
9 a change in residence, or if the person is not a resident of
10 Washington, the county of the person's school, or place of employment
11 or vocation. The obligation to register shall only cease pursuant to
12 RCW 9A.44.140.

13 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
14 who are convicted of a sex offense on or after July 28, 1991, for a sex
15 offense that was committed on or after February 28, 1990, and
16 kidnapping offenders who are convicted on or after July 27, 1997, for
17 a kidnapping offense that was committed on or after July 27, 1997, but
18 who are not sentenced to serve a term of confinement immediately upon
19 sentencing, shall report to the county sheriff to register immediately
20 upon completion of being sentenced.

21 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
22 RESIDENTS. Sex offenders and kidnapping offenders who move to
23 Washington state from another state or a foreign country that are not
24 under the jurisdiction of the state department of corrections, the
25 indeterminate sentence review board, or the state department of social
26 and health services at the time of moving to Washington, must register
27 within thirty days of establishing residence or reestablishing
28 residence if the person is a former Washington resident. The duty to
29 register under this subsection applies to sex offenders convicted under
30 the laws of another state or a foreign country, federal or military
31 statutes, or Washington state for offenses committed on or after
32 February 28, 1990, and to kidnapping offenders convicted under the laws
33 of another state or a foreign country, federal or military statutes, or
34 Washington state for offenses committed on or after July 27, 1997. Sex
35 offenders and kidnapping offenders from other states or a foreign
36 country who, when they move to Washington, are under the jurisdiction
37 of the department of corrections, the indeterminate sentence review
38 board, or the department of social and health services must register
39 within twenty-four hours of moving to Washington. The agency that has

1 jurisdiction over the offender shall notify the offender of the
2 registration requirements before the offender moves to Washington.

3 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
4 or juvenile who has been found not guilty by reason of insanity under
5 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
6 February 28, 1990, and who, on or after July 23, 1995, is in custody,
7 as a result of that finding, of the state department of social and
8 health services, or (B) committing a kidnapping offense on, before, or
9 after July 27, 1997, and who on or after July 27, 1997, is in custody,
10 as a result of that finding, of the state department of social and
11 health services, must register within twenty-four hours from the time
12 of release with the county sheriff for the county of the person's
13 residence. The state department of social and health services shall
14 provide notice to the adult or juvenile in its custody of the duty to
15 register. Any adult or juvenile who has been found not guilty by
16 reason of insanity of committing a sex offense on, before, or after
17 February 28, 1990, but who was released before July 23, 1995, or any
18 adult or juvenile who has been found not guilty by reason of insanity
19 of committing a kidnapping offense but who was released before July 27,
20 1997, shall be required to register within twenty-four hours of
21 receiving notice of this registration requirement. The state
22 department of social and health services shall make reasonable attempts
23 within available resources to notify sex offenders who were released
24 before July 23, 1995, and kidnapping offenders who were released before
25 July 27, 1997. Failure to register within twenty-four hours of
26 release, or of receiving notice, constitutes a violation of this
27 section and is punishable as provided in subsection (~~((7))~~) (8) of this
28 section.

29 (b) Failure to register within the time required under this section
30 constitutes a per se violation of this section and is punishable as
31 provided in subsection (~~((7))~~) (8) of this section. The county sheriff
32 shall not be required to determine whether the person is living within
33 the county.

34 (c) An arrest on charges of failure to register, service of an
35 information, or a complaint for a violation of this section, or
36 arraignment on charges for a violation of this section, constitutes
37 actual notice of the duty to register. Any person charged with the
38 crime of failure to register under this section who asserts as a
39 defense the lack of notice of the duty to register shall register

1 immediately following actual notice of the duty through arrest,
2 service, or arraignment. Failure to register as required under this
3 subsection (3)(c) constitutes grounds for filing another charge of
4 failing to register. Registering following arrest, service, or
5 arraignment on charges shall not relieve the offender from criminal
6 liability for failure to register prior to the filing of the original
7 charge.

8 (d) The deadlines for the duty to register under this section do
9 not relieve any sex offender of the duty to register under this section
10 as it existed prior to July 28, 1991.

11 (4)(a) If any person required to register pursuant to this section
12 changes his or her residence address within the same county, the person
13 must send written notice of the change of address to the county sheriff
14 (~~at least fourteen days before~~) within seventy-two hours of moving.
15 If any person required to register pursuant to this section moves to a
16 new county, the person must send written notice of the change of
17 address at least fourteen days before moving to the county sheriff in
18 the new county of residence and must register with that county sheriff
19 within twenty-four hours of moving. The person must also send written
20 notice within ten days of the change of address in the new county to
21 the county sheriff with whom the person last registered. The county
22 sheriff with whom the person last registered shall promptly forward the
23 information concerning the change of address to the county sheriff for
24 the county of the person's new residence. If any person required to
25 register pursuant to this section moves out of Washington state, the
26 person must also send written notice within ten days of moving to the
27 new state or a foreign country to the county sheriff with whom the
28 person last registered in Washington state. Upon receipt of notice of
29 change of address to a new state, the county sheriff shall promptly
30 forward the information regarding the change of address to the agency
31 designated by the new state as the state's offender registration
32 agency.

33 (b) It is an affirmative defense to a charge that the person failed
34 to send a notice at least fourteen days in advance of moving as
35 required under (a) of this subsection that the person did not know the
36 location of his or her new residence at least fourteen days before
37 moving. The defendant must establish the defense by a preponderance of
38 the evidence and, to prevail on the defense, must also prove by a

1 preponderance that the defendant sent the required notice within
2 twenty-four hours of determining the new address.

3 (5) A sex offender subject to registration requirements under this
4 section who applies to change his or her name under RCW 4.24.130 or any
5 other law shall submit a copy of the application to the county sheriff
6 of the county of the person's residence and to the state patrol not
7 fewer than five days before the entry of an order granting the name
8 change. No sex offender under the requirement to register under this
9 section at the time of application shall be granted an order changing
10 his or her name if the court finds that doing so will interfere with
11 legitimate law enforcement interests, except that no order shall be
12 denied when the name change is requested for religious or legitimate
13 cultural reasons or in recognition of marriage or dissolution of
14 marriage. A sex offender under the requirement to register under this
15 section who receives an order changing his or her name shall submit a
16 copy of the order to the county sheriff of the county of the person's
17 residence and to the state patrol within five days of the entry of the
18 order.

19 (6) The county sheriff shall obtain a photograph of the individual
20 and shall obtain a copy of the individual's fingerprints.

21 ~~((+6+))~~ (7) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
22 70.48.470, and 72.09.330:

23 (a) "Sex offense" means any offense defined as a sex offense by RCW
24 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a
25 minor), 9.68A.050 (dealing in depictions of minor engaged in sexually
26 explicit conduct), 9.68A.060 (sending, bringing into state depictions
27 of minor engaged in sexually explicit conduct), 9.68A.090
28 (communication with minor for immoral purposes), 9.68A.100 (patronizing
29 juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in
30 the second degree), as well as any gross misdemeanor that is, under
31 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or
32 criminal conspiracy to commit an offense that is classified as a sex
33 offense under RCW 9.94A.030.

34 (b) "Kidnapping offense" means the crimes of kidnapping in the
35 first degree, kidnapping in the second degree, and unlawful
36 imprisonment as defined in chapter 9A.40 RCW, where the victim is a
37 minor and the offender is not the minor's parent.

38 ~~((+7+))~~ (c) "Employed" or "carries on a vocation" means employment
39 that is full-time or part-time for a period of time exceeding fourteen

1 days, or for an aggregate period of time exceeding thirty days during
2 any calendar year. A person is employed or carries on a vocation
3 whether the person's employment is financially compensated,
4 volunteered, or for the purpose of government or educational benefit.

5 (d) "Student" means a person who is enrolled, on a full-time or
6 part-time basis, in any public or private educational institution. An
7 educational institution includes any secondary school, trade or
8 professional institution, or institution of higher education.

9 (8) A person who knowingly fails to register or who moves without
10 notifying the county sheriff, or who changes his or her name without
11 notifying the county sheriff and the state patrol, as required by this
12 section is guilty of a class C felony if the crime for which the
13 individual was convicted was a felony or a federal or out-of-state
14 conviction for an offense that under the laws of this state would be a
15 felony. If the crime was other than a felony or a federal or out-of-
16 state conviction for an offense that under the laws of this state would
17 be other than a felony, violation of this section is a gross
18 misdemeanor.

19 **Sec. 2.** RCW 9A.44.135 and 1995 c 248 s 3 are each amended to read
20 as follows:

21 (1) When ((a-sex)) an offender registers with the county sheriff
22 pursuant to RCW 9A.44.130, the county sheriff shall make reasonable
23 attempts to verify that the ((sex)) offender is residing at the
24 registered address. Reasonable attempts at verifying an address shall
25 include at a minimum ((sending certified mail, with return receipt
26 requested, to the sex offender at the registered address, and if the
27 return receipt is not signed by the sex offender, talking in person
28 with the residents living at the address))):

29 (a) Each year the county sheriff shall send by certified mail, with
30 return receipt requested, a nonforwardable verification form to the
31 offender at the offender's last registered address.

32 (b) The offender must sign the verification form, state on the form
33 whether he or she still resides at the last registered address, and
34 return the form to the county sheriff within ten days after receipt of
35 the form.

36 (2) The sheriff shall make reasonable attempts to locate any sex
37 offender who fails to return the verification form or who cannot be
38 located at the registered address. If the offender fails to return the

1 verification form or the offender is not at the last registered
2 address, the county sheriff shall promptly forward this information to
3 the Washington state patrol for inclusion in the central registry of
4 sex offenders.

5 **Sec. 3.** RCW 9A.44.140 and 1997 c 113 s 4 are each amended to read
6 as follows:

7 (1) The duty to register under RCW 9A.44.130 shall end:

8 (a) For a person convicted of a class A felony, or a person
9 convicted of any sex offense or kidnapping offense who has one or more
10 prior conviction for a sex offense or kidnapping offense: Such person
11 may only be relieved of the duty to register under subsection (3) or
12 (4) of this section.

13 (b) For a person convicted of a class B felony, and the person does
14 not have one or more prior conviction for a sex offense or kidnapping
15 offense: Fifteen years after the last date of release from
16 confinement, if any, (including full-time residential treatment)
17 pursuant to the conviction, or entry of the judgment and sentence, if
18 the person has spent fifteen consecutive years in the community without
19 being convicted of any new offenses.

20 (c) For a person convicted of a class C felony, a violation of RCW
21 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to
22 commit a class C felony, and the person does not have one or more prior
23 conviction for a sex offense or kidnapping offense: Ten years after
24 the last date of release from confinement, if any, (including full-time
25 residential treatment) pursuant to the conviction, or entry of the
26 judgment and sentence, if the person has spent ten consecutive years in
27 the community without being convicted of any new offenses.

28 (2) The provisions of subsection (1) of this section shall apply
29 equally to a person who has been found not guilty by reason of insanity
30 under chapter 10.77 RCW of a sex offense or kidnapping offense.

31 (3) Any person having a duty to register under RCW 9A.44.130 may
32 petition the superior court to be relieved of that duty, if the person
33 has spent ten consecutive years in the community without being
34 convicted of any new offenses. The petition shall be made to the court
35 in which the petitioner was convicted of the offense that subjects him
36 or her to the duty to register, or, in the case of convictions in other
37 states, a foreign country, or a federal or military court, to the court
38 in Thurston county. The prosecuting attorney of the county shall be

1 named and served as the respondent in any such petition. The court
2 shall consider the nature of the registrable offense committed, and the
3 criminal and relevant noncriminal behavior of the petitioner both
4 before and after conviction, and may consider other factors. Except as
5 provided in subsection (4) of this section, the court may relieve the
6 petitioner of the duty to register only if the petitioner shows, with
7 clear and convincing evidence, that future registration of the
8 petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
9 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

10 (4) An offender having a duty to register under RCW 9A.44.130 for
11 a sex offense or kidnapping offense committed when the offender was a
12 juvenile may petition the superior court to be relieved of that duty.
13 The court shall consider the nature of the registrable offense
14 committed, and the criminal and relevant noncriminal behavior of the
15 petitioner both before and after adjudication, and may consider other
16 factors. The court may relieve the petitioner of the duty to register
17 for a sex offense or kidnapping offense that was committed while the
18 petitioner was fifteen years of age or older only if the petitioner
19 shows, with clear and convincing evidence, that future registration of
20 the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,
21 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The court may relieve
22 the petitioner of the duty to register for a sex offense or kidnapping
23 offense that was committed while the petitioner was under the age of
24 fifteen if the petitioner (a) has not been adjudicated of any
25 additional sex offenses or kidnapping offenses during the twenty-four
26 months following the adjudication for the offense giving rise to the
27 duty to register, and (b) the petitioner proves by a preponderance of
28 the evidence that future registration of the petitioner will not serve
29 the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187,
30 70.48.470, and 72.09.330.

31 This subsection shall not apply to juveniles prosecuted as adults.

32 (5) Unless relieved of the duty to register pursuant to this
33 section, a violation of RCW 9A.44.130 is an ongoing offense for
34 purposes of the statute of limitations under RCW 9A.04.080.

35 (6) Nothing in RCW 9.94A.220 relating to discharge of an offender
36 shall be construed as operating to relieve the offender of his or her
37 duty to register pursuant to RCW 9A.44.130.

1 **Sec. 4.** RCW 43.43.540 and 1997 c 113 s 6 are each amended to read
2 as follows:

3 The county sheriff shall forward the information, photographs, and
4 fingerprints obtained pursuant to RCW 9A.44.130, including any notice
5 of change of address, to the Washington state patrol within five
6 working days. The state patrol shall maintain a central registry of
7 sex offenders and kidnapping offenders required to register under RCW
8 9A.44.130 and shall adopt rules consistent with chapters 10.97, 10.98,
9 and 43.43 RCW as are necessary to carry out the purposes of RCW
10 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and
11 72.09.330. The Washington state patrol shall reimburse the counties
12 for the costs of processing the offender registration, including taking
13 the fingerprints and the photographs.

14 **Sec. 5.** RCW 4.24.130 and 1995 1st sp.s. c 19 s 14 are each amended
15 to read as follows:

16 (1) Any person desiring a change of his or her name or that of his
17 or her child or ward, may apply therefor to the district court of the
18 judicial district in which he or she resides, by petition setting forth
19 the reasons for such change; thereupon such court in its discretion may
20 order a change of the name and thenceforth the new name shall be in
21 place of the former.

22 (2) An offender under the jurisdiction of the department of
23 corrections who applies to change his or her name under subsection (1)
24 of this section shall submit a copy of the application to the
25 department of corrections not fewer than five days before the entry of
26 an order granting the name change. No offender under the jurisdiction
27 of the department of corrections at the time of application shall be
28 granted an order changing his or her name if the court finds that doing
29 so will interfere with legitimate penological interests, except that no
30 order shall be denied when the name change is requested for religious
31 or legitimate cultural reasons or in recognition of marriage or
32 dissolution of marriage. An offender under the jurisdiction of the
33 department of corrections who receives an order changing his or her
34 name shall submit a copy of the order to the department of corrections
35 within five days of the entry of the order. Violation of this
36 subsection is a misdemeanor.

1 (3) A sex offender subject to registration under RCW 9A.44.130 who
2 applies to change his or her name under subsection (1) of this section
3 shall follow the procedures set forth in RCW 9A.44.130(5).

4 (4) The district court shall collect the fees authorized by RCW
5 36.18.010 for filing and recording a name change order, and transmit
6 the fee and the order to the county auditor. The court may collect a
7 reasonable fee to cover the cost of transmitting the order to the
8 county auditor.

9 ((+4)) (5) Name change petitions may be filed and shall be heard
10 in superior court when the person desiring a change of his or her name
11 or that of his or her child or ward is a victim of domestic violence as
12 defined in RCW 26.50.010(1) and the person seeks to have the name
13 change file sealed due to reasonable fear for his or her safety or that
14 of his or her child or ward. Upon granting the name change, the
15 superior court shall seal the file if the court finds that the safety
16 of the person seeking the name change or his or her child or ward
17 warrants sealing the file. In all cases filed under this subsection,
18 whether or not the name change petition is granted, there shall be no
19 public access to any court record of the name change filing,
20 proceeding, or order, unless the name change is granted but the file is
21 not sealed.

22 **Sec. 6.** RCW 4.24.550 and 1997 c 364 s 1 and 1997 c 113 s 2 are
23 each reenacted and amended to read as follows:

24 (1) Public agencies are authorized to release information to the
25 public regarding sex offenders and kidnapping offenders when the agency
26 determines that disclosure of the information is relevant and necessary
27 to protect the public and counteract the danger created by the
28 particular offender. This authorization applies to information
29 regarding: (a) Any person adjudicated or convicted of a sex offense as
30 defined in RCW ((9.94A.030)) 9A.44.130 or a kidnapping offense as
31 defined by RCW 9A.44.130; (b) any person under the jurisdiction of the
32 indeterminate sentence review board as the result of a sex offense or
33 kidnapping offense; (c) any person committed as a sexually violent
34 predator under chapter 71.09 RCW or as a sexual psychopath under
35 chapter 71.06 RCW; (d) any person found not guilty of a sex offense or
36 kidnapping offense by reason of insanity under chapter 10.77 RCW; and
37 (e) any person found incompetent to stand trial for a sex offense or

1 kidnapping offense and subsequently committed under chapter 71.05 or
2 71.34 RCW.

3 (2) The extent of the public disclosure of relevant and necessary
4 information shall be rationally related to: (a) The level of risk
5 posed by the offender to the community; (b) the locations where the
6 offender resides, expects to reside, or is regularly found; and (c) the
7 needs of the affected community members for information to enhance
8 their individual and collective safety.

9 (3) Local law enforcement agencies shall consider the following
10 guidelines in determining the extent of a public disclosure made under
11 this section: (a) For offenders classified as risk level I, the agency
12 shall share information with other appropriate law enforcement agencies
13 and may disclose, upon request, relevant, necessary, and accurate
14 information to any victim or witness to the offense and to any
15 individual community member who lives near the residence where the
16 offender resides, expects to reside, or is regularly found; (b) for
17 offenders classified as risk level II, the agency may also disclose
18 relevant, necessary, and accurate information to public and private
19 schools, child day care centers, family day care providers, businesses
20 and organizations that serve primarily children, women, or vulnerable
21 adults, and neighbors and community groups near the residence where the
22 offender resides, expects to reside, or is regularly found; and (c) for
23 offenders classified as risk level III, the agency may also disclose
24 relevant, necessary, and accurate information to the public at large.

25 (4) Local law enforcement agencies that disseminate information
26 pursuant to this section shall: (a) Review available risk level
27 classifications made by the department of corrections, the department
28 of social and health services, and the indeterminate sentence review
29 board; (b) assign risk level classifications to all ((sex)) offenders
30 about whom information will be disseminated; and (c) make a good faith
31 effort to notify the public and residents at least fourteen days before
32 the offender is released from confinement or, where an offender moves
33 from another jurisdiction, as soon as possible after the agency learns
34 of the offender's move, except that in no case may this notification
35 provision be construed to require an extension of an offender's release
36 date. The juvenile court shall provide local law enforcement officials
37 with all relevant information on offenders allowed to remain in the
38 community in a timely manner.

1 (5) An appointed or elected public official, public employee, or
2 public agency as defined in RCW 4.24.470 is immune from civil liability
3 for damages for any discretionary risk level classification decisions
4 or release of relevant and necessary information, unless it is shown
5 that the official, employee, or agency acted with gross negligence or
6 in bad faith. The immunity in this section applies to risk level
7 classification decisions and the release of relevant and necessary
8 information regarding any individual for whom disclosure is authorized.
9 The decision of a local law enforcement agency or official to classify
10 ((~~a sex~~)) an offender to a risk level other than the one assigned by
11 the department of corrections, the department of social and health
12 services, or the indeterminate sentence review board, or the release of
13 any relevant and necessary information based on that different
14 classification shall not, by itself, be considered gross negligence or
15 bad faith. The immunity provided under this section applies to the
16 release of relevant and necessary information to other public
17 officials, public employees, or public agencies, and to the general
18 public.

19 (6) Except as may otherwise be provided by law, nothing in this
20 section shall impose any liability upon a public official, public
21 employee, or public agency for failing to release information
22 authorized under this section.

23 (7) Nothing in this section implies that information regarding
24 persons designated in subsection (1) of this section is confidential
25 except as may otherwise be provided by law.

26 (8) When a local law enforcement agency or official classifies ((~~a~~
27 ~~sex~~)) an offender differently than the offender is classified by the
28 department of corrections, the department of social and health
29 services, or the indeterminate sentence review board, the law
30 enforcement agency or official shall notify the appropriate department
31 or the board and submit its reasons supporting the change in
32 classification.

33 NEW SECTION. **Sec. 7.** If any provision of this act or its
34 application to any person or circumstance is held invalid, the
35 remainder of the act or the application of the provision to other
36 persons or circumstances is not affected.

Passed the House March 7, 1998.
Passed the Senate March 4, 1998.
Approved by the Governor March 30, 1998.
Filed in Office of Secretary of State March 30, 1998.