

1 **SSB 6488** - H COMM AMD **Adopted March 6, 2002**

2 By Committee on Criminal Justice & Corrections

3 Strike everything after the enacting clause and insert the  
4 following:

5 "Sec. 1. RCW 4.24.550 and 2001 c 283 s 2 and 2001 c 169 s 2 are  
6 each reenacted and amended to read as follows:

7 (1) In addition to the disclosure under subsection (5) of this  
8 section, public agencies are authorized to release information to the  
9 public regarding sex offenders and kidnapping offenders when the agency  
10 determines that disclosure of the information is relevant and necessary  
11 to protect the public and counteract the danger created by the  
12 particular offender. This authorization applies to information  
13 regarding: (a) Any person adjudicated or convicted of a sex offense as  
14 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW  
15 9A.44.130; (b) any person under the jurisdiction of the indeterminate  
16 sentence review board as the result of a sex offense or kidnapping  
17 offense; (c) any person committed as a sexually violent predator under  
18 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;  
19 (d) any person found not guilty of a sex offense or kidnapping offense  
20 by reason of insanity under chapter 10.77 RCW; and (e) any person found  
21 incompetent to stand trial for a sex offense or kidnapping offense and  
22 subsequently committed under chapter 71.05 or 71.34 RCW.

23 (2) Except for the information specifically required under  
24 subsection (5) of this section, the extent of the public disclosure of  
25 relevant and necessary information shall be rationally related to: (a)  
26 The level of risk posed by the offender to the community; (b) the  
27 locations where the offender resides, expects to reside, or is  
28 regularly found; and (c) the needs of the affected community members  
29 for information to enhance their individual and collective safety.

30 (3) Except for the information specifically required under  
31 subsection (5) of this section, local law enforcement agencies shall  
32 consider the following guidelines in determining the extent of a public  
33 disclosure made under this section: (a) For offenders classified as  
34 risk level I, the agency shall share information with other appropriate

1 law enforcement agencies and may disclose, upon request, relevant,  
2 necessary, and accurate information to any victim or witness to the  
3 offense and to any individual community member who lives near the  
4 residence where the offender resides, expects to reside, or is  
5 regularly found; (b) for offenders classified as risk level II, the  
6 agency may also disclose relevant, necessary, and accurate information  
7 to public and private schools, child day care centers, family day care  
8 providers, businesses and organizations that serve primarily children,  
9 women, or vulnerable adults, and neighbors and community groups near  
10 the residence where the offender resides, expects to reside, or is  
11 regularly found; (c) for offenders classified as risk level III, the  
12 agency may also disclose relevant, necessary, and accurate information  
13 to the public at large; and (d) because more localized notification is  
14 not feasible and homeless and transient offenders may present unique  
15 risks to the community, the agency may also disclose relevant,  
16 necessary, and accurate information to the public at large for  
17 offenders registered as homeless or transient.

18 (4) The county sheriff with whom an offender classified as risk  
19 level III is registered shall cause to be published by legal notice,  
20 advertising, or news release a sex offender community notification that  
21 conforms to the guidelines established under RCW 4.24.5501 in at least  
22 one legal newspaper with general circulation in the area of the sex  
23 offender's registered address or location. The county sheriff shall  
24 also cause to be published consistent with this subsection a current  
25 list of level III registered sex offenders, twice yearly. Unless the  
26 information is posted on the web site described in subsection (5) of  
27 this section, this list shall be maintained by the county sheriff on a  
28 publicly accessible web site and shall be updated at least once per  
29 month.

30 (5)(a) When funded by federal grants or other sources other than  
31 state funds, the Washington association of sheriffs and police chiefs  
32 shall create and maintain a statewide registered sex offender web site,  
33 which shall be available to the public. The web site shall post all  
34 level III registered sex offenders in the state of Washington. The web  
35 site shall contain, but is not limited to, the registered sex  
36 offender's name, relevant criminal convictions, address by hundred  
37 block, physical description, and photograph. The web site shall  
38 provide mapping capabilities that display the sex offender's address by  
39 hundred block on a map. The web site shall allow citizens to search

1 for registered sex offenders within the state of Washington by county,  
2 city, zip code, last name, type of conviction, and address by hundred  
3 block.

4 (b) Until the implementation of (a) of this subsection, the  
5 Washington association of sheriffs and police chiefs shall create a web  
6 site available to the public that provides electronic links to county-  
7 operated web sites that offer sex offender registration information.

8 (6) Local law enforcement agencies that disseminate information  
9 pursuant to this section shall: (a) Review available risk level  
10 classifications made by the department of corrections, the department  
11 of social and health services, and the indeterminate sentence review  
12 board; (b) assign risk level classifications to all offenders about  
13 whom information will be disseminated; and (c) make a good faith effort  
14 to notify the public and residents at least fourteen days before the  
15 offender is released from confinement or, where an offender moves from  
16 another jurisdiction, as soon as possible after the agency learns of  
17 the offender's move, except that in no case may this notification  
18 provision be construed to require an extension of an offender's release  
19 date. The juvenile court shall provide local law enforcement officials  
20 with all relevant information on offenders allowed to remain in the  
21 community in a timely manner.

22 ~~((+6+))~~ (7) An appointed or elected public official, public  
23 employee, or public agency as defined in RCW 4.24.470 ~~((is))~~, or units  
24 of local government and its employees, as provided in RCW 36.28A.010,  
25 are immune from civil liability for damages for any discretionary risk  
26 level classification decisions or release of relevant and necessary  
27 information, unless it is shown that the official, employee, or agency  
28 acted with gross negligence or in bad faith. The immunity in this  
29 section applies to risk level classification decisions and the release  
30 of relevant and necessary information regarding any individual for whom  
31 disclosure is authorized. The decision of a local law enforcement  
32 agency or official to classify an offender to a risk level other than  
33 the one assigned by the department of corrections, the department of  
34 social and health services, or the indeterminate sentence review board,  
35 or the release of any relevant and necessary information based on that  
36 different classification shall not, by itself, be considered gross  
37 negligence or bad faith. The immunity provided under this section  
38 applies to the release of relevant and necessary information to other

1 public officials, public employees, or public agencies, and to the  
2 general public.

3 ~~((+7))~~ (8) Except as may otherwise be provided by law, nothing in  
4 this section shall impose any liability upon a public official, public  
5 employee, or public agency for failing to release information  
6 authorized under this section.

7 ~~((+8))~~ (9) Nothing in this section implies that information  
8 regarding persons designated in subsection (1) of this section is  
9 confidential except as may otherwise be provided by law.

10 ~~((+9))~~ (10) When a local law enforcement agency or official  
11 classifies an offender differently than the offender is classified by  
12 the ~~((department of corrections,))~~ end of sentence review committee or  
13 the department of social and health services~~((, or the indeterminate~~  
14 ~~sentence review board))~~ at the time of the offender's release from  
15 confinement, the law enforcement agency or official shall notify the  
16 ~~((appropriate department or the board))~~ end of sentence review  
17 committee of the department of social and health services and submit  
18 its reasons supporting the change in classification. Upon  
19 implementation of subsection (5)(a) of this section, notification of  
20 the change shall also be sent to the Washington association of sheriffs  
21 and police chiefs.

22 **Sec. 2.** RCW 43.43.540 and 1998 c 220 s 4 are each amended to read  
23 as follows:

24 The county sheriff shall (1) forward the information, photographs,  
25 and fingerprints obtained pursuant to RCW 9A.44.130, including any  
26 notice of change of address, to the Washington state patrol within five  
27 working days; and (2) upon implementation of RCW 4.24.550(5)(a),  
28 forward any information obtained pursuant to RCW 9A.44.130 that is  
29 necessary to operate the registered sex offender web site described in  
30 RCW 4.24.550(5)(a) to the Washington association of sheriffs and police  
31 chiefs within five working days of receiving the information, including  
32 any notice of change of address or change in risk level notification.  
33 The state patrol shall maintain a central registry of sex offenders and  
34 kidnapping offenders required to register under RCW 9A.44.130 and shall  
35 adopt rules consistent with chapters 10.97, 10.98, and 43.43 RCW as are  
36 necessary to carry out the purposes of RCW 9A.44.130, 9A.44.140,  
37 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The  
38 Washington state patrol shall reimburse the counties for the costs of

1 processing the offender registration, including taking the fingerprints  
2 and the photographs.

3 NEW SECTION. **Sec. 3.** If any provision of this act or its  
4 application to any person or circumstance is held invalid due to a  
5 conflict with federal law, the conflicting part of this act is  
6 inoperative solely to the extent of the conflict, and such holding does  
7 not affect the operation of the remainder of this act or the  
8 application of the provision to other persons or circumstances."

**EFFECT:** Requires the creation of a statewide web site containing information on all registered level III sex offenders in the state. The web site does not have to be created until sufficient funding is available from federal grants or other funding sources other than state funds. Makes technical changes. Makes changes to reflect the fact that risk level classifications are made under the current law by the End of Sentence Review Committee, instead of the Indeterminate Sentence Review Board. Inserts a severability clause.