
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4457.1/02

ATTY/TYPIST: KT:rmh

BRIEF DESCRIPTION:

2 **SHB 2406** - S COMM AMD

3 By Committee on Human Services & Corrections

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5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

32 (3) Except for the information specifically required under
33 subsection (5) of this section, local law enforcement agencies shall
34 consider the following guidelines in determining the extent of a public
35 disclosure made under this section: (a) For offenders classified as
36 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."

9 **SHB 2406** - S COMM AMD
10 By Committee on Human Services & Corrections

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12 On page 1, line 1 of the title, after "site;" strike the remainder
13 of the title and insert "amending RCW 43.43.540; reenacting and
14 amending RCW 4.24.550; and creating a new section."

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