
SUBSTITUTE HOUSE BILL 2406

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Ballasiotes, Lantz, Delvin, Lovick, Hurst, Morell, Conway, Voloria, Miloscia, Talcott, Kirby, Woods, Haigh and Esser)

Read first time 02/01/2002. Referred to Committee on .

1 AN ACT Relating to a statewide registered sex offender web site;
2 amending RCW 43.43.540; and reenacting and amending RCW 4.24.550.

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

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

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

1 incompetent to stand trial for a sex offense or kidnapping offense and
2 subsequently committed under chapter 71.05 or 71.34 RCW.

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

10 (3) Except for the information specifically required under
11 subsection (5) of this section, local law enforcement agencies shall
12 consider the following guidelines in determining the extent of a public
13 disclosure made under this section: (a) For offenders classified as
14 risk level I, the agency shall share information with other appropriate
15 law enforcement agencies and may disclose, upon request, relevant,
16 necessary, and accurate information to any victim or witness to the
17 offense and to any individual community member who lives near the
18 residence where the offender resides, expects to reside, or is
19 regularly found; (b) for offenders classified as risk level II, the
20 agency may also disclose relevant, necessary, and accurate information
21 to public and private schools, child day care centers, family day care
22 providers, businesses and organizations that serve primarily children,
23 women, or vulnerable adults, and neighbors and community groups near
24 the residence where the offender resides, expects to reside, or is
25 regularly found; (c) for offenders classified as risk level III, the
26 agency may also disclose relevant, necessary, and accurate information
27 to the public at large; and (d) because more localized notification is
28 not feasible and homeless and transient offenders may present unique
29 risks to the community, the agency may also disclose relevant,
30 necessary, and accurate information to the public at large for
31 offenders registered as homeless or transient.

32 (4) The county sheriff with whom an offender classified as risk
33 level III is registered shall cause to be published by legal notice,
34 advertising, or news release a sex offender community notification that
35 conforms to the guidelines established under RCW 4.24.5501 in at least
36 one legal newspaper with general circulation in the area of the sex
37 offender's registered address or location. The county sheriff shall
38 also cause to be published consistent with this subsection a current
39 list of level III registered sex offenders, twice yearly. Unless the

1 information is posted on the web site described in subsection (5) of
2 this section, this list shall be maintained by the county sheriff on a
3 publicly accessible web site and shall be updated at least once per
4 month.

5 (5) When funded by federal grants or other sources other than state
6 funds, the Washington association of sheriffs and police chiefs shall
7 create and maintain a statewide registered sex offender web site, which
8 shall be available to the public. The web site shall post all level
9 III registered sex offenders in the state of Washington. The web site
10 shall contain, but is not limited to, the registered sex offender's
11 name, relevant criminal convictions, address by hundred block, physical
12 description, and photograph. The web site shall provide mapping
13 capabilities that display the sex offender's address by hundred block
14 on a map. The web site shall allow citizens to search for registered
15 sex offenders within the state of Washington by county, city, zip code,
16 last name, type of conviction, and address by hundred block.

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

31 ~~((+6+))~~ (7) An appointed or elected public official, public
32 employee, or public agency as defined in RCW 4.24.470 (~~(is)~~), or units
33 of local government and its employees, as provided in RCW 36.28A.010,
34 are immune from civil liability for damages for any discretionary risk
35 level classification decisions or release of relevant and necessary
36 information, unless it is shown that the official, employee, or agency
37 acted with gross negligence or in bad faith. The immunity in this
38 section applies to risk level classification decisions and the release
39 of relevant and necessary information regarding any individual for whom

1 disclosure is authorized. The decision of a local law enforcement
2 agency or official to classify an offender to a risk level other than
3 the one assigned by the department of corrections, the department of
4 social and health services, or the indeterminate sentence review board,
5 or the release of any relevant and necessary information based on that
6 different classification shall not, by itself, be considered gross
7 negligence or bad faith. The immunity provided under this section
8 applies to the release of relevant and necessary information to other
9 public officials, public employees, or public agencies, and to the
10 general public.

11 ~~((+7))~~ (8) Except as may otherwise be provided by law, nothing in
12 this section shall impose any liability upon a public official, public
13 employee, or public agency for failing to release information
14 authorized under this section.

15 ~~((+8))~~ (9) Nothing in this section implies that information
16 regarding persons designated in subsection (1) of this section is
17 confidential except as may otherwise be provided by law.

18 ~~((+9))~~ (10) When a local law enforcement agency or official
19 classifies an offender differently than the offender is classified by
20 the ~~((department of corrections,))~~ end of sentence review committee or
21 the department of social and health services~~((, or the indeterminate~~
22 ~~sentence review board))~~ at the time of the offender's release from
23 confinement, the law enforcement agency or official shall notify the
24 ~~((appropriate department or the board))~~ end of sentence review
25 committee and submit its reasons supporting the change in
26 classification. Notification of the change shall also be sent to the
27 Washington association of sheriffs and police chiefs.

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

30 The county sheriff shall (1) forward the information, photographs,
31 and fingerprints obtained pursuant to RCW 9A.44.130, including any
32 notice of change of address, to the Washington state patrol within five
33 working days; and (2) forward any information obtained pursuant to RCW
34 9A.44.130 that is necessary to operate the registered sex offender web
35 site described in RCW 4.24.550 to the Washington association of
36 sheriffs and police chiefs within five working days of receiving the
37 information, including any notice of change of address or change in
38 risk level notification. The state patrol shall maintain a central

1 registry of sex offenders and kidnapping offenders required to register
2 under RCW 9A.44.130 and shall adopt rules consistent with chapters
3 10.97, 10.98, and 43.43 RCW as are necessary to carry out the purposes
4 of RCW 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 46.20.187,
5 70.48.470, and 72.09.330. The Washington state patrol shall reimburse
6 the counties for the costs of processing the offender registration,
7 including taking the fingerprints and the photographs.

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