
SUBSTITUTE SENATE BILL 6143

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators T. Sheldon, Hargrove, Long, Costa, Roach, Snyder, McCaslin, Spanel, Winsley, Gardner, Eide, Zarelli, Rossi, Benton, Hochstatter, Swecker, Kastama, Shin, Patterson, Kline, Fraser, McAuliffe and Rasmussen)

READ FIRST TIME 04/06/01.

1 AN ACT Relating to community notification for risk level III sex
2 and kidnapping offenders; and amending RCW 65.16.020 and 4.24.550.

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

4 **Sec. 1.** RCW 65.16.020 and 1961 c 279 s 1 are each amended to read
5 as follows:

6 The qualifications of a legal newspaper are that such newspaper
7 shall have been published regularly, at least once a week, in the
8 English language, as a newspaper of general circulation, in the city or
9 town where the same is published at the time of application for
10 approval, for at least six months prior to the date of such
11 application; shall be compiled either in whole or in part in an office
12 maintained at the place of publication; shall contain news of general
13 interest as contrasted with news of interest primarily to an
14 organization, group or class; shall have a policy to print all
15 statutorily required legal notices; and shall hold a (~~second~~)
16 periodical class mailing permit: PROVIDED, That in case of the
17 consolidation of two or more newspapers, such consolidated newspaper
18 shall be considered as qualified if either or any of the papers so
19 consolidated would be a qualified newspaper at the date of such legal

1 publication, had not such consolidation taken place: PROVIDED, That
2 this section shall not disqualify as a legal newspaper any publication
3 which, prior to June 8, 1961, was adjudged a legal newspaper, so long
4 as it continues to meet the requirements under which it qualified.

5 **Sec. 2.** RCW 4.24.550 and 1998 c 220 s 6 are each amended to read
6 as follows:

7 (1) 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
20 incompetent to stand trial for a sex offense or kidnapping offense and
21 subsequently committed under chapter 71.05 or 71.34 RCW.

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

28 (3) Local law enforcement agencies shall consider the following
29 guidelines in determining the extent of a public disclosure made under
30 this section: (a) For offenders classified as risk level I, the agency
31 shall share information with other appropriate law enforcement agencies
32 and may disclose, upon request, relevant, necessary, and accurate
33 information to any victim or witness to the offense and to any
34 individual community member who lives near the residence where the
35 offender resides, expects to reside, or is regularly found; (b) for
36 offenders classified as risk level II, the agency may also disclose
37 relevant, necessary, and accurate information to public and private
38 schools, child day care centers, family day care providers, businesses

1 and organizations that serve primarily children, women, or vulnerable
2 adults, and neighbors and community groups near the residence where the
3 offender resides, expects to reside, or is regularly found; and (c) for
4 offenders classified as risk level III, the agency may also disclose
5 relevant, necessary, and accurate information to the public at large.

6 (4) The county sheriff with whom an offender classified as risk
7 level III is registered shall cause to be published by legal notice,
8 advertising, or news release a sex offender community notification that
9 conforms to the guidelines established under RCW 4.24.5501 in at least
10 one legal newspaper with general circulation in the area of the sex
11 offender's registered address or location. The county sheriff shall
12 also cause to be published consistent with this subsection a current
13 list of level III registered sex offenders, twice yearly. This list
14 shall be maintained and kept current by the county sheriff on a
15 publicly accessible web site.

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

30 ~~((+5))~~ (6) An appointed or elected public official, public
31 employee, or public agency as defined in RCW 4.24.470 is immune from
32 civil liability for damages for any discretionary risk level
33 classification decisions or release of relevant and necessary
34 information, unless it is shown that the official, employee, or agency
35 acted with gross negligence or in bad faith. The immunity in this
36 section applies to risk level classification decisions and the release
37 of relevant and necessary information regarding any individual for whom
38 disclosure is authorized. The decision of a local law enforcement
39 agency or official to classify an offender to a risk level other than

1 the one assigned by the department of corrections, the department of
2 social and health services, or the indeterminate sentence review board,
3 or the release of any relevant and necessary information based on that
4 different classification shall not, by itself, be considered gross
5 negligence or bad faith. The immunity provided under this section
6 applies to the release of relevant and necessary information to other
7 public officials, public employees, or public agencies, and to the
8 general public.

9 ~~((+6))~~ (7) Except as may otherwise be provided by law, nothing in
10 this section shall impose any liability upon a public official, public
11 employee, or public agency for failing to release information
12 authorized under this section.

13 ~~((+7))~~ (8) Nothing in this section implies that information
14 regarding persons designated in subsection (1) of this section is
15 confidential except as may otherwise be provided by law.

16 ~~((+8))~~ (9) When a local law enforcement agency or official
17 classifies an offender differently than the offender is classified by
18 the department of corrections, the department of social and health
19 services, or the indeterminate sentence review board, the law
20 enforcement agency or official shall notify the appropriate department
21 or the board and submit its reasons supporting the change in
22 classification.

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