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**SUBSTITUTE SENATE BILL 6488**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, T. Sheldon, Eide, Winsley, Hale, Spanel, Jacobsen, Rasmussen, Gardner and Oke)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to a statewide registered sex offender web site;  
2 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) Public agencies are authorized to release information to the  
7 public regarding sex offenders and kidnapping offenders when the agency  
8 determines that disclosure of the information is relevant and necessary  
9 to protect the public and counteract the danger created by the  
10 particular offender. This authorization applies to information  
11 regarding: (a) Any person adjudicated or convicted of a sex offense as  
12 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW  
13 9A.44.130; (b) any person under the jurisdiction of the indeterminate  
14 sentence review board as the result of a sex offense or kidnapping  
15 offense; (c) any person committed as a sexually violent predator under  
16 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;  
17 (d) any person found not guilty of a sex offense or kidnapping offense  
18 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) 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; (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 and (d) because more localized notification is not feasible and  
26 homeless and transient offenders may present unique risks to the  
27 community, the agency may also disclose relevant, necessary, and  
28 accurate information to the public at large for offenders registered as  
29 homeless or transient.

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

1       (5) The Washington association of sheriffs and police chiefs shall  
2 create a web site available to the public that provides electronic  
3 links to county-operated web sites that offer sex offender registration  
4 information.

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

19       (~~(6)~~) (7) An appointed or elected public official, public  
20 employee, or public agency as defined in RCW 4.24.470 (~~(is)~~), or units  
21 of local government and its employees, as provided in RCW 36.28A.010,  
22 are immune from civil liability for damages for any discretionary risk  
23 level classification decisions or release of relevant and necessary  
24 information, unless it is shown that the official, employee, or agency  
25 acted with gross negligence or in bad faith. The immunity in this  
26 section applies to risk level classification decisions and the release  
27 of relevant and necessary information regarding any individual for whom  
28 disclosure is authorized. The decision of a local law enforcement  
29 agency or official to classify an offender to a risk level other than  
30 the one assigned by the department of corrections, the department of  
31 social and health services, or the indeterminate sentence review board,  
32 or the release of any relevant and necessary information based on that  
33 different classification shall not, by itself, be considered gross  
34 negligence or bad faith. The immunity provided under this section  
35 applies to the release of relevant and necessary information to other  
36 public officials, public employees, or public agencies, and to the  
37 general public.

38       (~~(7)~~) (8) Except as may otherwise be provided by law, nothing in  
39 this section shall impose any liability upon a public official, public

1 employee, or public agency for failing to release information  
2 authorized under this section.

3 ~~((8))~~ (9) Nothing in this section implies that information  
4 regarding persons designated in subsection (1) of this section is  
5 confidential except as may otherwise be provided by law.

6 ~~((9))~~ (10) When a local law enforcement agency or official  
7 classifies an offender differently than the offender is classified by  
8 the department of corrections, the department of social and health  
9 services, or the indeterminate sentence review board, the law  
10 enforcement agency or official shall notify the appropriate department  
11 or the board and submit its reasons supporting the change in  
12 classification.

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