
**State Government Operations &
Accountability Committee**

SSB 5643

Brief Description: Exempting community notification and release of sex offender information from public disclosure.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Kline and Brandland).

Brief Summary of Substitute Bill

- Exempts certain information regarding sex offenders from public records disclosure.
- Changes the manner in which the End of Sentence Review Committee sends information to law enforcement regarding the pending release of certain sex offenders.

Hearing Date: 3/22/05

Staff: Jim Morishima (786-7191).

Background:

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Public Records

The Public Disclosure Act requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions narrowly in order to effectuate a general policy favoring disclosure.

The End of Sentence Review Committee

The End of Sentence Review Committee (ESRC) within the Department of Corrections evaluates sex offenders before they are released into the community. The ESRC classifies sex offenders into three risk levels: Risk level I, risk level II, and risk level III, with risk level III offenders posing the highest risk in the community. The ESRC may also refer an offender to the county prosecutor for civil commitment if the offender appears to meet the definition of a sexually violent predator.

When evaluating a sex offender, the ESRC has access to a wide variety of information including police reports, prosecutors' statements of probable cause, psychological evaluations, and criminal history summaries. This information may not be disclosed outside the committee unless otherwise authorized by law.

Once the ESRC classifies an offender, it must issue a narrative notice of pending release to law enforcement agencies. The narrative notice must, at a minimum, contain the identity of the offender, the criminal history behavior of the offender, and the offender's risk level. Law enforcement agencies use the information to determine how to release information on the offender to the public.

Summary of Bill:

Records are exempt from public disclosure if they are obtained, prepared, or maintained by an agency with jurisdiction over the release of sex offenders for the purpose of fulfilling the responsibilities of the ESRC and the requirements of law dealing with sex offender assessment, risk level classification, or sending notification to the prosecuting attorney for civil commitment.

The contents of the narrative notice are altered to include the identity of the offender, the general relationship between the offender and the victim, and the offender's criminal history. The narrative notice is a public record and is subject to public inspection and copying.

The ESRC must also issue to law enforcement a law enforcement bulletin containing the narrative description, identity, criminal history behavior, and risk level classification, of the offender. The law enforcement bulletin may be inspected by the public, but not copied.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately, except for section 3, which, for technical reasons, takes effect on June 30, 2005.