

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1338

Chapter 228, Laws of 2005

59th Legislature
2005 Regular Session

SEX OFFENDER WEB SITE--KIDNAPPING

EFFECTIVE DATE: 7/24/05

Passed by the House March 8, 2005
Yeas 93 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2005
Yeas 44 Nays 0

BRAD OWEN

President of the Senate

Approved April 28, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1338** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

April 28, 2005 - 3:57 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1338

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Representatives O'Brien, Pearson, Darneille, Simpson and Ormsby

Read first time 01/20/2005. Referred to Committee on Criminal
Justice & Corrections.

1 AN ACT Relating to adding kidnapping to the statewide registered
2 sex offender web site; 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 2003 c 217 s 1 are each amended to read
5 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

1 by reason of insanity under chapter 10.77 RCW; and (e) any person found
2 incompetent to stand trial for a sex offense or kidnapping offense and
3 subsequently committed under chapter 71.05 or 71.34 RCW.

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

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

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

1 also cause to be published consistent with this subsection a current
2 list of level III registered sex offenders, twice yearly. Unless the
3 information is posted on the web site described in subsection (5) of
4 this section, this list shall be maintained by the county sheriff on a
5 publicly accessible web site and shall be updated at least once per
6 month.

7 (5)(a) When funded by federal grants or other sources, the
8 Washington association of sheriffs and police chiefs shall create and
9 maintain a statewide registered kidnapping and sex offender web site,
10 which shall be available to the public. The web site shall post all
11 level III and level II registered sex offenders and all registered
12 kidnapping offenders in the state of Washington.

13 (i) For level III offenders, the web site shall contain, but is not
14 limited to, the registered sex offender's name, relevant criminal
15 convictions, address by hundred block, physical description, and
16 photograph. The web site shall provide mapping capabilities that
17 display the sex offender's address by hundred block on a map. The web
18 site shall allow citizens to search for registered sex offenders within
19 the state of Washington by county, city, zip code, last name, type of
20 conviction, and address by hundred block.

21 (ii) For level II offenders, the web site shall contain, but is not
22 limited to, the same information and functionality as described in
23 (a)(i) of this subsection, provided that it is permissible under state
24 and federal law. If it is not permissible, the web site shall be
25 limited to the information and functionality that is permissible under
26 state and federal law.

27 (iii) For kidnapping offenders, the web site shall contain, but is
28 not limited to, the same information and functionality as described in
29 (a)(i) of this subsection, provided that it is permissible under state
30 and federal law. If it is not permissible, the web site shall be
31 limited to the information and functionality that is permissible under
32 state and federal law.

33 (b) Until the implementation of (a) of this subsection, the
34 Washington association of sheriffs and police chiefs shall create a web
35 site available to the public that provides electronic links to county-
36 operated web sites that offer sex offender registration information.

37 (6) Local law enforcement agencies that disseminate information
38 pursuant to this section shall: (a) Review available risk level

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

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

32 (8) Except as may otherwise be provided by law, nothing in this
33 section shall impose any liability upon a public official, public
34 employee, or public agency for failing to release information
35 authorized under this section.

36 (9) Nothing in this section implies that information regarding
37 persons designated in subsection (1) of this section is confidential
38 except as may otherwise be provided by law.

1 (10) When a local law enforcement agency or official classifies an
2 offender differently than the offender is classified by the end of
3 sentence review committee or the department of social and health
4 services at the time of the offender's release from confinement, the
5 law enforcement agency or official shall notify the end of sentence
6 review committee or the department of social and health services and
7 submit its reasons supporting the change in classification. Upon
8 implementation of subsection (5)(a) of this section, notification of
9 the change shall also be sent to the Washington association of sheriffs
10 and police chiefs.

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