

2 **HB 1172** - S AMD - 846

3 By Senators Long, Hargrove and Zarelli

4 ADOPTED 3/4/98

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 9A.44.130 and 1997 c 340 s 3 and 1997 c 113 s 3 are  
8 each reenacted and amended to read as follows:

9 (1) Any adult or juvenile residing, or who is a student, is  
10 employed, or carries on a vocation in this state who has been found to  
11 have committed or has been convicted of any sex offense or kidnapping  
12 offense, or who has been found not guilty by reason of insanity under  
13 chapter 10.77 RCW of committing any sex offense or kidnapping offense,  
14 shall register with the county sheriff for the county of the person's  
15 residence, or if the person is not a resident of Washington, the county  
16 of the person's school, or place of employment or vocation. Where a  
17 person required to register under this section is in custody of the  
18 state department of corrections, the state department of social and  
19 health services, a local division of youth services, or a local jail or  
20 juvenile detention facility as a result of a sex offense or kidnapping  
21 offense, the person shall also register at the time of release from  
22 custody with an official designated by the agency that has jurisdiction  
23 over the person.

24 (2) The person shall provide (~~the county sheriff with~~) the  
25 following information when registering: (a) Name; (b) address; (c)  
26 date and place of birth; (d) place of employment; (e) crime for which  
27 convicted; (f) date and place of conviction; (g) aliases used; (~~and~~)  
28 (h) social security number; (i) photograph; and (j) fingerprints.

29 (3)(a) Offenders shall register within the following deadlines.  
30 For purposes of this section the term "conviction" refers to adult  
31 convictions and juvenile adjudications for sex offenses or kidnapping  
32 offenses:

33 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
34 offense on, before, or after February 28, 1990, and who, on or after  
35 July 28, 1991, are in custody, as a result of that offense, of the  
36 state department of corrections, the state department of social and

1 health services, a local division of youth services, or a local jail or  
2 juvenile detention facility, and (B) kidnapping offenders who on or  
3 after July 27, 1997, are in custody of the state department of  
4 corrections, the state department of social and health services, a  
5 local division of youth services, or a local jail or juvenile detention  
6 facility, must register at the time of release from custody with an  
7 official designated by the agency that has jurisdiction over the  
8 offender. The agency shall within three days forward the registration  
9 information to the county sheriff for the county of the offender's  
10 anticipated residence. The offender must also register within twenty-  
11 four hours from the time of release with the county sheriff for the  
12 county of the person's residence, or if the person is not a resident of  
13 Washington, the county of the person's school, or place of employment  
14 or vocation. The agency that has jurisdiction over the offender shall  
15 provide notice to the offender of the duty to register. Failure to  
16 register at the time of release and within twenty-four hours of release  
17 constitutes a violation of this section and is punishable as provided  
18 in subsection (~~((7))~~) (8) of this section.

19 When the agency with jurisdiction intends to release an offender  
20 with a duty to register under this section, and the agency has  
21 knowledge that the offender is eligible for developmental disability  
22 services from the department of social and health services, the agency  
23 shall notify the division of developmental disabilities of the release.  
24 Notice shall occur not more than thirty days before the offender is to  
25 be released. The agency and the division shall assist the offender in  
26 meeting the initial registration requirement under this section.  
27 Failure to provide such assistance shall not constitute a defense for  
28 any violation of this section.

29 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
30 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody  
31 but are under the jurisdiction of the indeterminate sentence review  
32 board or under the department of correction's active supervision, as  
33 defined by the department of corrections, the state department of  
34 social and health services, or a local division of youth services, for  
35 sex offenses committed before, on, or after February 28, 1990, must  
36 register within ten days of July 28, 1991. Kidnapping offenders who,  
37 on July 27, 1997, are not in custody but are under the jurisdiction of  
38 the indeterminate sentence review board or under the department of  
39 correction's active supervision, as defined by the department of

1 corrections, the state department of social and health services, or a  
2 local division of youth services, for kidnapping offenses committed  
3 before, on, or after July 27, 1997, must register within ten days of  
4 July 27, 1997. A change in supervision status of a sex offender who  
5 was required to register under this subsection (3)(a)(ii) as of July  
6 28, 1991, or a kidnapping offender required to register as of July 27,  
7 1997, shall not relieve the offender of the duty to register or to  
8 reregister following a change in residence. The obligation to register  
9 shall only cease pursuant to RCW 9A.44.140.

10 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
11 or after July 23, 1995, and kidnapping offenders who, on or after July  
12 27, 1997, as a result of that offense are in the custody of the United  
13 States bureau of prisons or other federal or military correctional  
14 agency for sex offenses committed before, on, or after February 28,  
15 1990, or kidnapping offenses committed on, before, or after July 27,  
16 1997, must register within twenty-four hours from the time of release  
17 with the county sheriff for the county of the person's residence, or if  
18 the person is not a resident of Washington, the county of the person's  
19 school, or place of employment or vocation. Sex offenders who, on July  
20 23, 1995, are not in custody but are under the jurisdiction of the  
21 United States bureau of prisons, United States courts, United States  
22 parole commission, or military parole board for sex offenses committed  
23 before, on, or after February 28, 1990, must register within ten days  
24 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not  
25 in custody but are under the jurisdiction of the United States bureau  
26 of prisons, United States courts, United States parole commission, or  
27 military parole board for kidnapping offenses committed before, on, or  
28 after July 27, 1997, must register within ten days of July 27, 1997.  
29 A change in supervision status of a sex offender who was required to  
30 register under this subsection (3)(a)(iii) as of July 23, 1995, or a  
31 kidnapping offender required to register as of July 27, 1997 shall not  
32 relieve the offender of the duty to register or to reregister following  
33 a change in residence, or if the person is not a resident of  
34 Washington, the county of the person's school, or place of employment  
35 or vocation. The obligation to register shall only cease pursuant to  
36 RCW 9A.44.140.

37 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
38 who are convicted of a sex offense on or after July 28, 1991, for a sex  
39 offense that was committed on or after February 28, 1990, and

1 kidnapping offenders who are convicted on or after July 27, 1997, for  
2 a kidnapping offense that was committed on or after July 27, 1997, but  
3 who are not sentenced to serve a term of confinement immediately upon  
4 sentencing, shall report to the county sheriff to register immediately  
5 upon completion of being sentenced.

6 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
7 RESIDENTS. Sex offenders and kidnapping offenders who move to  
8 Washington state from another state or a foreign country that are not  
9 under the jurisdiction of the state department of corrections, the  
10 indeterminate sentence review board, or the state department of social  
11 and health services at the time of moving to Washington, must register  
12 within thirty days of establishing residence or reestablishing  
13 residence if the person is a former Washington resident. The duty to  
14 register under this subsection applies to sex offenders convicted under  
15 the laws of another state or a foreign country, federal or military  
16 statutes, or Washington state for offenses committed on or after  
17 February 28, 1990, and to kidnapping offenders convicted under the laws  
18 of another state or a foreign country, federal or military statutes, or  
19 Washington state for offenses committed on or after July 27, 1997. Sex  
20 offenders and kidnapping offenders from other states or a foreign  
21 country who, when they move to Washington, are under the jurisdiction  
22 of the department of corrections, the indeterminate sentence review  
23 board, or the department of social and health services must register  
24 within twenty-four hours of moving to Washington. The agency that has  
25 jurisdiction over the offender shall notify the offender of the  
26 registration requirements before the offender moves to Washington.

27 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
28 or juvenile who has been found not guilty by reason of insanity under  
29 chapter 10.77 RCW of (A) committing a sex offense on, before, or after  
30 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
31 as a result of that finding, of the state department of social and  
32 health services, or (B) committing a kidnapping offense on, before, or  
33 after July 27, 1997, and who on or after July 27, 1997, is in custody,  
34 as a result of that finding, of the state department of social and  
35 health services, must register within twenty-four hours from the time  
36 of release with the county sheriff for the county of the person's  
37 residence. The state department of social and health services shall  
38 provide notice to the adult or juvenile in its custody of the duty to  
39 register. Any adult or juvenile who has been found not guilty by

1 reason of insanity of committing a sex offense on, before, or after  
2 February 28, 1990, but who was released before July 23, 1995, or any  
3 adult or juvenile who has been found not guilty by reason of insanity  
4 of committing a kidnapping offense but who was released before July 27,  
5 1997, shall be required to register within twenty-four hours of  
6 receiving notice of this registration requirement. The state  
7 department of social and health services shall make reasonable attempts  
8 within available resources to notify sex offenders who were released  
9 before July 23, 1995, and kidnapping offenders who were released before  
10 July 27, 1997. Failure to register within twenty-four hours of  
11 release, or of receiving notice, constitutes a violation of this  
12 section and is punishable as provided in subsection (~~(+7)~~) (8) of this  
13 section.

14 (b) Failure to register within the time required under this section  
15 constitutes a per se violation of this section and is punishable as  
16 provided in subsection (~~(+7)~~) (8) of this section. The county sheriff  
17 shall not be required to determine whether the person is living within  
18 the county.

19 (c) An arrest on charges of failure to register, service of an  
20 information, or a complaint for a violation of this section, or  
21 arraignment on charges for a violation of this section, constitutes  
22 actual notice of the duty to register. Any person charged with the  
23 crime of failure to register under this section who asserts as a  
24 defense the lack of notice of the duty to register shall register  
25 immediately following actual notice of the duty through arrest,  
26 service, or arraignment. Failure to register as required under this  
27 subsection (3)(c) constitutes grounds for filing another charge of  
28 failing to register. Registering following arrest, service, or  
29 arraignment on charges shall not relieve the offender from criminal  
30 liability for failure to register prior to the filing of the original  
31 charge.

32 (d) The deadlines for the duty to register under this section do  
33 not relieve any sex offender of the duty to register under this section  
34 as it existed prior to July 28, 1991.

35 (4)(a) If any person required to register pursuant to this section  
36 changes his or her residence address within the same county, the person  
37 must send written notice of the change of address to the county sheriff  
38 (~~(at least fourteen days before)~~) within seventy-two hours of moving.  
39 If any person required to register pursuant to this section moves to a

1 new county, the person must send written notice of the change of  
2 address at least fourteen days before moving to the county sheriff in  
3 the new county of residence and must register with that county sheriff  
4 within twenty-four hours of moving. The person must also send written  
5 notice within ten days of the change of address in the new county to  
6 the county sheriff with whom the person last registered. The county  
7 sheriff with whom the person last registered shall promptly forward the  
8 information concerning the change of address to the county sheriff for  
9 the county of the person's new residence. If any person required to  
10 register pursuant to this section moves out of Washington state, the  
11 person must also send written notice within ten days of moving to the  
12 new state or a foreign country to the county sheriff with whom the  
13 person last registered in Washington state. Upon receipt of notice of  
14 change of address to a new state, the county sheriff shall promptly  
15 forward the information regarding the change of address to the agency  
16 designated by the new state as the state's offender registration  
17 agency.

18 (b) It is an affirmative defense to a charge that the person failed  
19 to send a notice at least fourteen days in advance of moving as  
20 required under (a) of this subsection that the person did not know the  
21 location of his or her new residence at least fourteen days before  
22 moving. The defendant must establish the defense by a preponderance of  
23 the evidence and, to prevail on the defense, must also prove by a  
24 preponderance that the defendant sent the required notice within  
25 twenty-four hours of determining the new address.

26 (5) A sex offender subject to registration requirements under this  
27 section who applies to change his or her name under RCW 4.24.130 or any  
28 other law shall submit a copy of the application to the county sheriff  
29 of the county of the person's residence and to the state patrol not  
30 fewer than five days before the entry of an order granting the name  
31 change. No sex offender under the requirement to register under this  
32 section at the time of application shall be granted an order changing  
33 his or her name if the court finds that doing so will interfere with  
34 legitimate law enforcement interests, except that no order shall be  
35 denied when the name change is requested for religious or legitimate  
36 cultural reasons or in recognition of marriage or dissolution of  
37 marriage. A sex offender under the requirement to register under this  
38 section who receives an order changing his or her name shall submit a  
39 copy of the order to the county sheriff of the county of the person's

1 residence and to the state patrol within five days of the entry of the  
2 order.

3 (6) The county sheriff shall obtain a photograph of the individual  
4 and shall obtain a copy of the individual's fingerprints.

5 ~~((+6+))~~ (7) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,  
6 70.48.470, and 72.09.330:

7 (a) "Sex offense" means any offense defined as a sex offense by RCW  
8 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a  
9 minor), 9.68A.050 (dealing in depictions of minor engaged in sexually  
10 explicit conduct), 9.68A.060 (sending, bringing into state depictions  
11 of minor engaged in sexually explicit conduct), 9.68A.090  
12 (communication with minor for immoral purposes), 9.68A.100 (patronizing  
13 juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in  
14 the second degree), as well as any gross misdemeanor that is, under  
15 chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or  
16 criminal conspiracy to commit an offense that is classified as a sex  
17 offense under RCW 9.94A.030.

18 (b) "Kidnapping offense" means the crimes of kidnapping in the  
19 first degree, kidnapping in the second degree, and unlawful  
20 imprisonment as defined in chapter 9A.40 RCW, where the victim is a  
21 minor and the offender is not the minor's parent.

22 ~~((+7+))~~ (c) "Employed" or "carries on a vocation" means employment  
23 that is full-time or part-time for a period of time exceeding fourteen  
24 days, or for an aggregate period of time exceeding thirty days during  
25 any calendar year. A person is employed or carries on a vocation  
26 whether the person's employment is financially compensated,  
27 volunteered, or for the purpose of government or educational benefit.

28 (d) "Student" means a person who is enrolled, on a full-time or  
29 part-time basis, in any public or private educational institution. An  
30 educational institution includes any secondary school, trade or  
31 professional institution, or institution of higher education.

32 (8) A person who knowingly fails to register or who moves without  
33 notifying the county sheriff, or who changes his or her name without  
34 notifying the county sheriff and the state patrol, as required by this  
35 section is guilty of a class C felony if the crime for which the  
36 individual was convicted was a felony or a federal or out-of-state  
37 conviction for an offense that under the laws of this state would be a  
38 felony. If the crime was other than a felony or a federal or out-of-  
39 state conviction for an offense that under the laws of this state would

1 be other than a felony, violation of this section is a gross  
2 misdemeanor.

3 **Sec. 2.** RCW 9A.44.135 and 1995 c 248 s 3 are each amended to read  
4 as follows:

5 (1) When ((a-sex)) an offender registers with the county sheriff  
6 pursuant to RCW 9A.44.130, the county sheriff shall make reasonable  
7 attempts to verify that the ((sex)) offender is residing at the  
8 registered address. Reasonable attempts at verifying an address shall  
9 include at a minimum ((sending certified mail, with return receipt  
10 requested, to the sex offender at the registered address, and if the  
11 return receipt is not signed by the sex offender, talking in person  
12 with the residents living at the address)):

13 (a) Each year the county sheriff shall send by certified mail, with  
14 return receipt requested, a nonforwardable verification form to the  
15 offender at the offender's last registered address.

16 (b) The offender must sign the verification form, state on the form  
17 whether he or she still resides at the last registered address, and  
18 return the form to the county sheriff within ten days after receipt of  
19 the form.

20 (2) The sheriff shall make reasonable attempts to locate any sex  
21 offender who fails to return the verification form or who cannot be  
22 located at the registered address. If the offender fails to return the  
23 verification form or the offender is not at the last registered  
24 address, the county sheriff shall promptly forward this information to  
25 the Washington state patrol for inclusion in the central registry of  
26 sex offenders.

27 **Sec. 3.** RCW 9A.44.140 and 1997 c 113 s 4 are each amended to read  
28 as follows:

29 (1) The duty to register under RCW 9A.44.130 shall end:

30 (a) For a person convicted of a class A felony, or a person  
31 convicted of any sex offense or kidnapping offense who has one or more  
32 prior conviction for a sex offense or kidnapping offense: Such person  
33 may only be relieved of the duty to register under subsection (3) or  
34 (4) of this section.

35 (b) For a person convicted of a class B felony, and the person does  
36 not have one or more prior conviction for a sex offense or kidnapping  
37 offense: Fifteen years after the last date of release from



1 confinement, if any, (including full-time residential treatment)  
2 pursuant to the conviction, or entry of the judgment and sentence, if  
3 the person has spent fifteen consecutive years in the community without  
4 being convicted of any new offenses.

5 (c) For a person convicted of a class C felony, a violation of RCW  
6 9.68A.090 or 9A.44.096, or an attempt, solicitation, or conspiracy to  
7 commit a class C felony, and the person does not have one or more prior  
8 conviction for a sex offense or kidnapping offense: Ten years after  
9 the last date of release from confinement, if any, (including full-time  
10 residential treatment) pursuant to the conviction, or entry of the  
11 judgment and sentence, if the person has spent ten consecutive years in  
12 the community without being convicted of any new offenses.

13 (2) The provisions of subsection (1) of this section shall apply  
14 equally to a person who has been found not guilty by reason of insanity  
15 under chapter 10.77 RCW of a sex offense or kidnapping offense.

16 (3) Any person having a duty to register under RCW 9A.44.130 may  
17 petition the superior court to be relieved of that duty, if the person  
18 has spent ten consecutive years in the community without being  
19 convicted of any new offenses. The petition shall be made to the court  
20 in which the petitioner was convicted of the offense that subjects him  
21 or her to the duty to register, or, in the case of convictions in other  
22 states, a foreign country, or a federal or military court, to the court  
23 in Thurston county. The prosecuting attorney of the county shall be  
24 named and served as the respondent in any such petition. The court  
25 shall consider the nature of the registrable offense committed, and the  
26 criminal and relevant noncriminal behavior of the petitioner both  
27 before and after conviction, and may consider other factors. Except as  
28 provided in subsection (4) of this section, the court may relieve the  
29 petitioner of the duty to register only if the petitioner shows, with  
30 clear and convincing evidence, that future registration of the  
31 petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,  
32 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

33 (4) An offender having a duty to register under RCW 9A.44.130 for  
34 a sex offense or kidnapping offense committed when the offender was a  
35 juvenile may petition the superior court to be relieved of that duty.  
36 The court shall consider the nature of the registrable offense  
37 committed, and the criminal and relevant noncriminal behavior of the  
38 petitioner both before and after adjudication, and may consider other  
39 factors. The court may relieve the petitioner of the duty to register

1 for a sex offense or kidnapping offense that was committed while the  
2 petitioner was fifteen years of age or older only if the petitioner  
3 shows, with clear and convincing evidence, that future registration of  
4 the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200,  
5 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The court may relieve  
6 the petitioner of the duty to register for a sex offense or kidnapping  
7 offense that was committed while the petitioner was under the age of  
8 fifteen if the petitioner (a) has not been adjudicated of any  
9 additional sex offenses or kidnapping offenses during the twenty-four  
10 months following the adjudication for the offense giving rise to the  
11 duty to register, and (b) the petitioner proves by a preponderance of  
12 the evidence that future registration of the petitioner will not serve  
13 the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187,  
14 70.48.470, and 72.09.330.

15 This subsection shall not apply to juveniles prosecuted as adults.

16 (5) Unless relieved of the duty to register pursuant to this  
17 section, a violation of RCW 9A.44.130 is an ongoing offense for  
18 purposes of the statute of limitations under RCW 9A.04.080.

19 (6) Nothing in RCW 9.94A.220 relating to discharge of an offender  
20 shall be construed as operating to relieve the offender of his or her  
21 duty to register pursuant to RCW 9A.44.130.

22 **Sec. 4.** RCW 43.43.540 and 1997 c 113 s 6 are each amended to read  
23 as follows:

24 The county sheriff shall forward the information, photographs, and  
25 fingerprints obtained pursuant to RCW 9A.44.130, including any notice  
26 of change of address, to the Washington state patrol within five  
27 working days. The state patrol shall maintain a central registry of  
28 sex offenders and kidnapping offenders required to register under RCW  
29 9A.44.130 and shall adopt rules consistent with chapters 10.97, 10.98,  
30 and 43.43 RCW as are necessary to carry out the purposes of RCW  
31 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and  
32 72.09.330. The Washington state patrol shall reimburse the counties  
33 for the costs of processing the offender registration, including taking  
34 the fingerprints and the photographs.

35 **Sec. 5.** RCW 4.24.130 and 1995 1st sp.s. c 19 s 14 are each amended  
36 to read as follows:

1 (1) Any person desiring a change of his or her name or that of his  
2 or her child or ward, may apply therefor to the district court of the  
3 judicial district in which he or she resides, by petition setting forth  
4 the reasons for such change; thereupon such court in its discretion may  
5 order a change of the name and thenceforth the new name shall be in  
6 place of the former.

7 (2) An offender under the jurisdiction of the department of  
8 corrections who applies to change his or her name under subsection (1)  
9 of this section shall submit a copy of the application to the  
10 department of corrections not fewer than five days before the entry of  
11 an order granting the name change. No offender under the jurisdiction  
12 of the department of corrections at the time of application shall be  
13 granted an order changing his or her name if the court finds that doing  
14 so will interfere with legitimate penological interests, except that no  
15 order shall be denied when the name change is requested for religious  
16 or legitimate cultural reasons or in recognition of marriage or  
17 dissolution of marriage. An offender under the jurisdiction of the  
18 department of corrections who receives an order changing his or her  
19 name shall submit a copy of the order to the department of corrections  
20 within five days of the entry of the order. Violation of this  
21 subsection is a misdemeanor.

22 (3) A sex offender subject to registration under RCW 9A.44.130 who  
23 applies to change his or her name under subsection (1) of this section  
24 shall follow the procedures set forth in RCW 9A.44.130(5).

25 (4) The district court shall collect the fees authorized by RCW  
26 36.18.010 for filing and recording a name change order, and transmit  
27 the fee and the order to the county auditor. The court may collect a  
28 reasonable fee to cover the cost of transmitting the order to the  
29 county auditor.

30 ((+4)) (5) Name change petitions may be filed and shall be heard  
31 in superior court when the person desiring a change of his or her name  
32 or that of his or her child or ward is a victim of domestic violence as  
33 defined in RCW 26.50.010(1) and the person seeks to have the name  
34 change file sealed due to reasonable fear for his or her safety or that  
35 of his or her child or ward. Upon granting the name change, the  
36 superior court shall seal the file if the court finds that the safety  
37 of the person seeking the name change or his or her child or ward  
38 warrants sealing the file. In all cases filed under this subsection,  
39 whether or not the name change petition is granted, there shall be no

1 public access to any court record of the name change filing,  
2 proceeding, or order, unless the name change is granted but the file is  
3 not sealed.

4 **Sec. 6.** RCW 4.24.550 and 1997 c 364 s 1 and 1997 c 113 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 ((~~9.94A.030~~) 9A.44.130 or a kidnapping offense as  
13 defined by RCW 9A.44.130; (b) any person under the jurisdiction of the  
14 indeterminate sentence review board as the result of a sex offense or  
15 kidnapping offense; (c) any person committed as a sexually violent  
16 predator under chapter 71.09 RCW or as a sexual psychopath under  
17 chapter 71.06 RCW; (d) any person found not guilty of a sex offense or  
18 kidnapping offense by reason of insanity under chapter 10.77 RCW; and  
19 (e) any person found incompetent to stand trial for a sex offense or  
20 kidnapping offense and subsequently committed under chapter 71.05 or  
21 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) Local law enforcement agencies that disseminate information  
7 pursuant to this section shall: (a) Review available risk level  
8 classifications made by the department of corrections, the department  
9 of social and health services, and the indeterminate sentence review  
10 board; (b) assign risk level classifications to all (~~sex~~) offenders  
11 about whom information will be disseminated; and (c) make a good faith  
12 effort to notify the public and residents at least fourteen days before  
13 the offender is released from confinement or, where an offender moves  
14 from another jurisdiction, as soon as possible after the agency learns  
15 of the offender's move, except that in no case may this notification  
16 provision be construed to require an extension of an offender's release  
17 date. The juvenile court shall provide local law enforcement officials  
18 with all relevant information on offenders allowed to remain in the  
19 community in a timely manner.

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

38 (6) Except as may otherwise be provided by law, nothing in this  
39 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 (7) Nothing in this section implies that information regarding  
4 persons designated in subsection (1) of this section is confidential  
5 except as may otherwise be provided by law.

6 (8) When a local law enforcement agency or official classifies ((a  
7 sex)) an offender differently than the offender is classified by the  
8 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.

13 NEW SECTION. **Sec. 7.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected."

17 **HB 1172** - S AMD - 846

18 By Senators Long, Hargrove and Zarelli

19 ADOPTED 3/4/98

20 On page 1, line 1 of the title, after "registration;" strike the  
21 remainder of the title and insert "amending RCW 9A.44.135, 9A.44.140,  
22 43.43.540, and 4.24.130; and reenacting and amending RCW 9A.44.130 and  
23 4.24.550."

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