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ENGROSSED SUBSTITUTE SENATE BILL 6143

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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 by the county sheriff on a publicly accessible web  
15 site and shall be updated at least once per month.

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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