
ENGROSSED SUBSTITUTE SENATE BILL 5245

State of Washington

67th Legislature

2021 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Brown, Wilson, L., Rolfes, and Wagoner)

READ FIRST TIME 02/08/21.

1 AN ACT Relating to the safety of crime victims; and amending RCW
2 72.09.712.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 72.09.712 and 2019 c 46 s 5043 are each amended to
5 read as follows:

6 (1) At the earliest possible date, and in no event later than
7 thirty days before release except in the event of escape or emergency
8 furloughs as defined in RCW 72.66.010, the department of corrections
9 shall send written notice of parole, release, community custody, work
10 release placement, furlough, or escape about a specific inmate
11 convicted of a violent offense, a sex offense as defined by RCW
12 9.94A.030, a domestic violence court order violation pursuant to RCW
13 10.99.040, 10.99.050, 26.09.300, (~~(26.10.220,)~~) 26.26B.050,
14 26.50.110, 26.52.070, or 74.34.145, (~~(or)~~) a felony harassment
15 offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence
16 offense as defined by RCW 10.99.020, an assault in the third degree
17 offense as defined by RCW 9A.36.031, an unlawful imprisonment offense
18 as defined by RCW 9A.40.040, a vehicular homicide by disregard for
19 the safety of others offense as defined by RCW 46.61.520, or a
20 controlled substances homicide offense as defined by RCW 69.50.415,
21 to the following:

1 (a) The chief of police of the city, if any, in which the inmate
2 will reside or in which placement will be made in a work release
3 program; and

4 (b) The sheriff of the county in which the inmate will reside or
5 in which placement will be made in a work release program.

6 The sheriff of the county where the offender was convicted shall
7 be notified if the department does not know where the offender will
8 reside. The department shall notify the state patrol of the release
9 of all sex offenders, and that information shall be placed in the
10 Washington crime information center for dissemination to all law
11 enforcement.

12 (2) ~~((The))~~ Except as provided in subsection (10) of this
13 section, the same notice as required by subsection (1) of this
14 section shall be sent to the following if such notice has been
15 requested in writing about a specific inmate convicted of a violent
16 offense, a sex offense as defined by RCW 9.94A.030, a domestic
17 violence court order violation pursuant to RCW 10.99.040, 10.99.050,
18 26.09.300, ~~((26.10.220,))~~ 26.26B.050, 26.50.110, 26.52.070, or
19 74.34.145, ~~((or))~~ a felony harassment offense as defined by RCW
20 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW
21 10.99.020, an assault in the third degree offense as defined by RCW
22 9A.36.031, an unlawful imprisonment offense as defined by RCW
23 9A.40.040, a vehicular homicide by disregard for the safety of others
24 offense as defined by RCW 46.61.520, or a controlled substances
25 homicide offense as defined by RCW 69.50.415:

26 (a) The victim of the crime for which the inmate was convicted or
27 the victim's next of kin if the crime was a homicide;

28 (b) Any witnesses who testified against the inmate in any court
29 proceedings involving the violent offense;

30 (c) Any person specified in writing by the prosecuting attorney;
31 and

32 (d) Any person who requests such notice about a specific inmate
33 convicted of a sex offense as defined by RCW 9.94A.030 from the
34 department of corrections at least sixty days prior to the expected
35 release date of the offender.

36 Information regarding victims, next of kin, or witnesses
37 requesting the notice, information regarding any other person
38 specified in writing by the prosecuting attorney to receive the
39 notice, and the notice are confidential and shall not be available to
40 the inmate. Whenever the department of corrections mails notice

1 pursuant to this subsection and the notice is returned as
2 undeliverable, the department shall attempt alternative methods of
3 notification, including a telephone call to the person's last known
4 telephone number.

5 (3) The existence of the notice requirements contained in
6 subsections (1) and (2) of this section shall not require an
7 extension of the release date in the event that the release plan
8 changes after notification.

9 (4) If an inmate convicted of a violent offense, a sex offense as
10 defined by RCW 9.94A.030, a domestic violence court order violation
11 pursuant to RCW 10.99.040, 10.99.050, 26.09.300, (~~(26.10.220,)~~)
12 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, (~~(or)~~) a felony
13 harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a
14 domestic violence offense as defined by RCW 10.99.020, an assault in
15 the third degree offense as defined by RCW 9A.36.031, an unlawful
16 imprisonment offense as defined by RCW 9A.40.040, a vehicular
17 homicide by disregard for the safety of others offense as defined by
18 RCW 46.61.520, or a controlled substances homicide offense as defined
19 by RCW 69.50.415, escapes from a correctional facility, the
20 department of corrections shall immediately notify, by the most
21 reasonable and expedient means available, the chief of police of the
22 city and the sheriff of the county in which the inmate resided
23 immediately before the inmate's arrest and conviction. If previously
24 requested, the department shall also notify the witnesses and the
25 victim of the crime for which the inmate was convicted or the
26 victim's next of kin if the crime was a homicide. If the inmate is
27 recaptured, the department shall send notice to the persons
28 designated in this subsection as soon as possible but in no event
29 later than two working days after the department learns of such
30 recapture.

31 (5) If the victim, the victim's next of kin, or any witness is
32 under the age of sixteen, the notice required by this section shall
33 be sent to the parents or legal guardian of the child.

34 (6) The department of corrections shall send the notices required
35 by this chapter to the last address provided to the department by the
36 requesting party. The requesting party shall furnish the department
37 with a current address.

38 (7) The department of corrections shall keep, for a minimum of
39 two years following the release of an inmate, the following:

1 (a) A document signed by an individual as proof that that person
2 is registered in the victim or witness notification program; and

3 (b) A receipt showing that an individual registered in the victim
4 or witness notification program was mailed a notice, at the
5 individual's last known address, upon the release or movement of an
6 inmate.

7 (8) For purposes of this section the following terms have the
8 following meanings:

9 (a) "Violent offense" means a violent offense under RCW
10 9.94A.030;

11 (b) "Next of kin" means a person's spouse, state registered
12 domestic partner, parents, siblings and children.

13 (9) Nothing in this section shall impose any liability upon a
14 chief of police of a city or sheriff of a county for failing to
15 request in writing a notice as provided in subsection (1) of this
16 section.

17 (10) The notice requirements in subsection (2) of this section do
18 not apply if release is ordered due to a court order pursuant to RCW
19 36.27.130.

--- END ---