
SENATE BILL 6469

State of Washington 53rd Legislature 1994 Regular Session

By Senators Haugen, Oke and Winsley

Read first time 01/24/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to release to the public of information on sex
2 offenders; amending RCW 4.24.550; adding a new section to chapter 35.63
3 RCW; adding a new section to chapter 35A.63 RCW; adding a new section
4 to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; and
5 adding a new section to chapter 36.32 RCW.

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

7 **Sec. 1.** RCW 4.24.550 and 1990 c 3 s 117 are each amended to read
8 as follows:

9 (1) Public agencies are authorized to release relevant and
10 necessary information regarding sex offenders to the public when the
11 release of the information is necessary for public protection.

12 (2) An elected public official, public employee, or public agency
13 as defined in RCW 4.24.470 is immune from civil liability for damages
14 for any discretionary decision to release relevant and necessary
15 information, unless it is shown that the official, employee, or agency
16 acted with gross negligence or in bad faith. The authorization and
17 immunity in this section applies to information regarding: (a) A
18 person convicted of, or juvenile found to have committed, a sex offense
19 as defined by RCW 9.94A.030; (b) a person found not guilty of a sex

1 offense by reason of insanity under chapter 10.77 RCW; (c) a person
2 found incompetent to stand trial for a sex offense and subsequently
3 committed under chapter 71.05 or 71.34 RCW; (d) a person committed as
4 a sexual psychopath under chapter 71.06 RCW; or (e) a person committed
5 as a sexually violent predator under chapter 71.09 RCW. The immunity
6 provided under this section applies to the release of relevant
7 information to other employees or officials or to the general public.

8 (3) Except as otherwise provided by statute, nothing in this
9 section shall impose any liability upon a public official, public
10 employee, or public agency for failing to release information as
11 provided in subsection (2) of this section.

12 (4) When determining whether the release of information is
13 necessary for public protection, the public official, public employee,
14 or public agency may not consider whether the sex offender will be a
15 resident or participant in a state supported or controlled facility or
16 program.

17 (5) Nothing in this section implies that information regarding
18 persons designated in subsection (2) of this section is confidential
19 except as otherwise provided by statute.

20 NEW SECTION. Sec. 2. A new section is added to chapter 35.63 RCW
21 to read as follows:

22 Each municipality that allows the siting or use of sex offender
23 residential facilities in areas designated for residential uses may
24 only allow such siting or use upon the issuance of a conditional use
25 permit. For the purposes of this section, "sex offender residential
26 facility" means any public or private facility receiving state funds
27 that provides a residence for one or more sex offenders who are
28 required to be registered under RCW 9A.44.130, and includes facilities
29 that may otherwise be exempt from local land use laws.

30 NEW SECTION. Sec. 3. A new section is added to chapter 35A.63 RCW
31 to read as follows:

32 Each municipality that allows the siting or use of sex offender
33 residential facilities in areas designated for residential uses may
34 only allow such siting or use upon the issuance of a conditional use
35 permit. For the purposes of this section, "sex offender residential
36 facility" means any public or private facility receiving state funds
37 that provides a residence for one or more sex offenders who are

1 required to be registered under RCW 9A.44.130, and includes facilities
2 that may otherwise be exempt from local land use laws.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70 RCW
4 to read as follows:

5 Each municipality that allows the siting or use of sex offender
6 residential facilities in areas designated for residential uses may
7 only allow such siting or use upon the issuance of a conditional use
8 permit. For the purposes of this section, "sex offender residential
9 facility" means any public or private facility receiving state funds
10 that provides a residence for one or more sex offenders who are
11 required to be registered under RCW 9A.44.130, and includes facilities
12 that may otherwise be exempt from local land use laws.

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.22 RCW
14 to read as follows:

15 Each municipality that allows the siting or use of sex offender
16 residential facilities in areas designated for residential uses may
17 only allow such siting or use upon the issuance of a conditional use
18 permit. For the purposes of this section, "sex offender residential
19 facility" means any public or private facility receiving state funds
20 that provides a residence for one or more sex offenders who are
21 required to be registered under RCW 9A.44.130, and includes facilities
22 that may otherwise be exempt from local land use laws.

23 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.32 RCW
24 to read as follows:

25 Each municipality that allows the siting or use of sex offender
26 residential facilities in areas designated for residential uses may
27 only allow such siting or use upon the issuance of a conditional use
28 permit. For the purposes of this section, "sex offender residential
29 facility" means any public or private facility receiving state funds
30 that provides a residence for one or more sex offenders who are
31 required to be registered under RCW 9A.44.130, and includes facilities
32 that may otherwise be exempt from local land use laws.

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