

1 **SSB 6274 - H COMM AMDS NOT ADOPTED 3-1-96**

2 By Committee on Corrections

3 On page 25, after line 3, insert:

4 "Sec. 6. RCW 4.24.550 and 1994 c 129 s 2 are each amended to
5 read as follows:

6 (1) Public agencies are authorized to release relevant and
7 necessary information regarding sex offenders to the public when
8 the release of the information is necessary for public protection.
9 This authority exists whether or not the public agency received
10 notification about the sex offender from the department of
11 corrections or the department of social and health services or any
12 other public agency.

13 (2) Local law enforcement agencies and officials who decide to
14 release information pursuant to this section shall make a good
15 faith effort to notify the public and residents at least fourteen
16 days before the sex offender is released or if the offender
17 receives a special sex offender disposition alternative under RCW
18 13.40.160 or special sex offender sentencing alternative under RCW
19 9.94A.120 at least thirty days after the sex offender is sentenced.
20 If a change occurs in the release plan, this notification provision
21 will not require an extension of the release date. The department
22 of corrections, juvenile court, and the department of social and
23 health services shall provide local law enforcement officials with
24 all relevant information on sex offenders about to be released or
25 placed into, or allowed to remain in the community as part of the
26 original sentence in a timely manner.

27 (3) An elected public official, public employee, or public
28 agency as defined in RCW 4.24.470 is immune from civil liability
29 for damages for any discretionary decision to release relevant and
30 necessary information, unless it is shown that the official,

1 employee, or agency acted with gross negligence or in bad faith.
2 The authorization and immunity in this section applies to
3 information regarding: (a) A person convicted of, or juvenile
4 found to have committed, a sex offense as defined by RCW 9.94A.030;
5 (b) a person found not guilty of a sex offense by reason of
6 insanity under chapter 10.77 RCW; (c) a person found incompetent to
7 stand trial for a sex offense and subsequently committed under
8 chapter 71.05 or 71.34 RCW; (d) a person committed as a sexual
9 psychopath under chapter 71.06 RCW; or (e) a person committed as a
10 sexually violent predator under chapter 71.09 RCW. The immunity
11 provided under this section applies to the release of relevant
12 information to other employees or officials or to the general
13 public.

14 (4) Except as otherwise provided by statute, nothing in this
15 section shall impose any liability upon a public official, public
16 employee, or public agency for failing to release information as
17 provided in subsections (2) and (3) of this section.

18 (5) Nothing in this section implies that information regarding
19 persons designated in subsections (2) and (3) of this section is
20 confidential except as otherwise provided by statute.

21 **Sec. 7.** RCW 13.40.215 and 1995 c 324 s 1 are each amended to
22 read as follows:

23 (1)(a) Except as provided in subsection (2) of this section,
24 at the earliest possible date, and in no event later than thirty
25 days before discharge, parole, or any other authorized leave or
26 release, or before transfer to a community residential facility,
27 the secretary shall send written notice of the discharge, parole,
28 authorized leave or release, or transfer of a juvenile found to
29 have committed a violent offense, a sex offense, or stalking, to
30 the following:

31 (i) The chief of police of the city, if any, in which the
32 juvenile will reside;

1 (ii) The sheriff of the county in which the juvenile will
2 reside; and

3 (iii) The approved private schools and the common school
4 district board of directors of the district in which the juvenile
5 intends to reside or the approved private school or public school
6 district in which the juvenile last attended school, whichever is
7 appropriate, except when it has been determined by the department
8 that the juvenile is twenty-one years old; is not required to
9 return to school under chapter 28A.225 RCW; or will be in the
10 community for less than seven consecutive days on approved leave
11 and will not be attending school during that time.

12 (b) The same notice as required by (a) of this subsection
13 shall be sent to the following, if such notice has been requested
14 in writing about a specific juvenile:

15 (i) The victim of the offense for which the juvenile was found
16 to have committed or the victim's next of kin if the crime was a
17 homicide;

18 (ii) Any witnesses who testified against the juvenile in any
19 court proceedings involving the offense; and

20 (iii) Any person specified in writing by the prosecuting
21 attorney.

22 Information regarding victims, next of kin, or witnesses requesting
23 the notice, information regarding any other person specified in
24 writing by the prosecuting attorney to receive the notice, and the
25 notice are confidential and shall not be available to the juvenile.
26 The notice to the chief of police or the sheriff shall include the
27 identity of the juvenile, the residence where the juvenile will
28 reside, the identity of the person, if any, responsible for
29 supervising the juvenile, and the time period of any authorized
30 leave.

31 (c) The thirty-day notice requirements contained in this
32 subsection shall not apply to emergency medical furloughs.

1 (d) The existence of the notice requirements in this
2 subsection will not require any extension of the release date in
3 the event the release plan changes after notification.

4 (2)(a) If a juvenile found to have committed a violent
5 offense, a sex offense, or stalking escapes from a facility of the
6 department, the secretary shall immediately notify, by the most
7 reasonable and expedient means available, the chief of police of
8 the city and the sheriff of the county in which the juvenile
9 resided immediately before the juvenile's arrest. If previously
10 requested, the secretary shall also notify the witnesses and the
11 victim of the offense which the juvenile was found to have
12 committed or the victim's next of kin if the crime was a homicide.
13 If the juvenile is recaptured, the secretary shall send notice to
14 the persons designated in this subsection as soon as possible but
15 in no event later than two working days after the department learns
16 of such recapture.

17 (b) The secretary may authorize a leave, for a juvenile found
18 to have committed a violent offense, a sex offense, or stalking,
19 which shall not exceed forty-eight hours plus travel time, to meet
20 an emergency situation such as a death or critical illness of a
21 member of the juvenile's family. The secretary may authorize a
22 leave, which shall not exceed the time medically necessary, to
23 obtain medical care not available in a juvenile facility maintained
24 by the department. Prior to the commencement of an emergency or
25 medical leave, the secretary shall give notice of the leave to the
26 appropriate law enforcement agency in the jurisdiction in which the
27 juvenile will be during the leave period. The notice shall include
28 the identity of the juvenile, the time period of the leave, the
29 residence of the juvenile during the leave, and the identity of the
30 person responsible for supervising the juvenile during the leave.
31 If previously requested, the department shall also notify the
32 witnesses and victim of the offense which the juvenile was found to

1 have committed or the victim's next of kin if the offense was a
2 homicide.

3 In case of an emergency or medical leave the secretary may
4 waive all or any portion of the requirements for leaves pursuant to
5 RCW 13.40.205 (2)(a), (3), (4), and (5).

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

9 (4) The secretary shall send the notices required by this
10 chapter to the last address provided to the department by the
11 requesting party. The requesting party shall furnish the
12 department with a current address.

13 (5) Except as provided in subsection (2) of this section, at
14 the earliest possible date, and in no event later than five days
15 after sentencing a sex offender to a special sex offender
16 disposition alternative under RCW 13.40.160(5), the juvenile court
17 shall send written notice of the disposition to the following:

18 (a) The chief of police of the city, if any, in which the
19 juvenile will reside; and

20 (b) The sheriff of the county in which the juvenile will
21 reside.

22 (6) Upon discharge, parole, or other authorized leave or
23 release, a convicted juvenile sex offender shall not attend a
24 public elementary, middle, or high school that is attended by a
25 victim of the sex offender. The parents or legal guardians of the
26 convicted juvenile sex offender shall be responsible for
27 transportation or other costs associated with or required by the
28 sex offender's change in school that otherwise would be paid by a
29 school district. Upon discharge, parole, or other authorized leave
30 or release of a convicted juvenile sex offender, the secretary
31 shall send written notice of the discharge, parole, or other
32 authorized leave or release and the requirements of this subsection
33 to the common school district board of directors of the district in

1 which the sex offender intends to reside or the district in which
2 the sex offender last attended school, whichever is appropriate.

3 ((+6+)) (7) For purposes of this section the following terms
4 have the following meanings:

5 (a) "Violent offense" means a violent offense under RCW
6 9.94A.030;

7 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

8 (c) "Stalking" means the crime of stalking as defined in RCW
9 9A.46.110;

10 (d) "Next of kin" means a person's spouse, parents, siblings,
11 and children.

12 **Sec. 8.** RCW 13.40.217 and 1990 c 3 s 102 are each amended to
13 read as follows:

14 In addition to any other information required to be released
15 under this chapter, the department ((is)) and juvenile court are
16 authorized, pursuant to RCW 4.24.550, to release relevant
17 information that is necessary to protect the public concerning
18 juveniles adjudicated of sex offenses.

19 NEW SECTION. **Sec. 9.** Sections 6 through 8 of this act are
20 necessary for the immediate preservation of the public peace,

1 health, or safety, or support of the state government and its
2 existing public institutions, and shall take effect immediately."

3 Re-number remaining sections and amend the title accordingly.

4 On page 25, line 4, strike "This act applies" and insert
5 "Sections 1 through 5 of this act apply"

EFFECT: The amendment makes several changes in removing possible limitations on public notification about sex offenders: (1) Clarification is provided that public notification may be made even if the police department learned its information from a source that is not statutorily required to notify the police; (2) The public may be notified of sex offenders who are sentenced under SSOSA or SSODA and thus are allowed to remain in the community for treatment; (3) The juvenile court must notify the local police department within 5 days of entering a SSODA disposition; and (4) Juvenile courts are authorized to release information about a sex offender when necessary and relevant to public safety.