
SENATE BILL 6136

State of Washington

56th Legislature

2000 Regular Session

By Senators Swecker, Benton, Finkbeiner, Zarelli, Stevens, Deccio, McCaslin, Kline and Oke

Read first time 01/10/2000. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to release of information to the public concerning
2 sex offenders and kidnapping offenders; and amending RCW 4.24.550.

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

4 **Sec. 1.** RCW 4.24.550 and 1998 c 220 s 6 are each amended to read
5 as follows:

6 (1) Public agencies are ((authorized)) required to release
7 information to the public regarding sex offenders and kidnapping
8 offenders when the agency determines that disclosure of the information
9 is relevant and necessary to protect the public and counteract the
10 danger created by the particular offender. This ((authorization))
11 requirement applies to information regarding: (a) Any person
12 adjudicated or convicted of a sex offense as defined in RCW 9A.44.130
13 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person
14 under the jurisdiction of the indeterminate sentence review board as
15 the result of a sex offense or kidnapping offense; (c) any person
16 committed as a sexually violent predator under chapter 71.09 RCW or as
17 a sexual psychopath under chapter 71.06 RCW; (d) any person found not
18 guilty of a sex offense or kidnapping offense by reason of insanity
19 under chapter 10.77 RCW; and (e) any person found incompetent to stand

1 trial for a sex offense or kidnapping offense and subsequently
2 committed under chapter 71.05 or 71.34 RCW.

3 (2) The extent of the public disclosure of relevant and necessary
4 information shall be rationally related to: (a) The level of risk
5 posed by the offender to the community; (b) the locations where the
6 offender resides, expects to reside, or is regularly found; and (c) the
7 needs of the affected community members for information to enhance
8 their individual and collective safety.

9 (3) Local law enforcement agencies shall consider the following
10 guidelines in determining the extent of a public disclosure made under
11 this section: (a) For offenders classified as risk level I, the agency
12 shall share information with other appropriate law enforcement agencies
13 and ((may)) shall disclose, upon request, relevant, necessary, and
14 accurate information to any victim or witness to the offense and to any
15 individual community member who lives near the residence where the
16 offender resides, expects to reside, or is regularly found; (b) for
17 offenders classified as risk level II, the agency ((may)) shall also
18 disclose relevant, necessary, and accurate information to public and
19 private schools, child day care centers, family day care providers,
20 businesses and organizations that serve primarily children, women, or
21 vulnerable adults, and neighbors and community groups near the
22 residence where the offender resides, expects to reside, or is
23 regularly found; and (c) for offenders classified as risk level III,
24 the agency ((may)) shall also disclose relevant, necessary, and
25 accurate information to the public at large.

26 (4) Local law enforcement agencies that disseminate information
27 pursuant to this section shall: (a) Review available risk level
28 classifications made by the department of corrections, the department
29 of social and health services, and the indeterminate sentence review
30 board; (b) assign risk level classifications to all offenders about
31 whom information will be disseminated; and (c) make a good faith effort
32 to notify the public and residents at least fourteen days before the
33 offender is released from confinement or, where an offender moves from
34 another jurisdiction, as soon as possible after the agency learns of
35 the offender's move, except that in no case may this notification
36 provision be construed to require an extension of an offender's release
37 date. The juvenile court shall provide local law enforcement officials
38 with all relevant information on offenders allowed to remain in the
39 community in a timely manner.

1 (5) An appointed or elected public official, public employee, or
2 public agency as defined in RCW 4.24.470 is immune from civil liability
3 for damages for any discretionary risk level classification decisions
4 or release of relevant and necessary information, unless it is shown
5 that the official, employee, or agency acted with gross negligence or
6 in bad faith. The immunity in this section applies to risk level
7 classification decisions and the release of relevant and necessary
8 information regarding any individual for whom disclosure is authorized.
9 The decision of a local law enforcement agency or official to classify
10 an offender to a risk level other than the one assigned by the
11 department of corrections, the department of social and health
12 services, or the indeterminate sentence review board, or the release of
13 any relevant and necessary information based on that different
14 classification shall not, by itself, be considered gross negligence or
15 bad faith. The immunity provided under this section applies to the
16 release of relevant and necessary information to other public
17 officials, public employees, or public agencies, and to the general
18 public.

19 (6) Except as may otherwise be provided by law, nothing in this
20 section shall impose any liability upon a public official, public
21 employee, or public agency for failing to release information
22 authorized under this section.

23 (7) Nothing in this section implies that information regarding
24 persons designated in subsection (1) of this section is confidential
25 except as may otherwise be provided by law.

26 (8) When a local law enforcement agency or official classifies an
27 offender differently than the offender is classified by the department
28 of corrections, the department of social and health services, or the
29 indeterminate sentence review board, the law enforcement agency or
30 official shall notify the appropriate department or the board and
31 submit its reasons supporting the change in classification.

--- END ---