

SB 5410 - H COMM AMD

By Committee on Criminal Justice & Corrections

NOT ADOPTED 04/10/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 4.24.550 and 2002 c 118 s 1 are each amended to read
4 as follows:

5 (1) In addition to the disclosure under subsection (5) of this
6 section, public agencies are authorized to release information to the
7 public regarding sex offenders and kidnapping offenders when the agency
8 determines that disclosure of the information is relevant and necessary
9 to protect the public and counteract the danger created by the
10 particular offender. This authorization applies to information
11 regarding: (a) Any person adjudicated or convicted of a sex offense as
12 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW
13 9A.44.130; (b) any person under the jurisdiction of the indeterminate
14 sentence review board as the result of a sex offense or kidnapping
15 offense; (c) any person committed as a sexually violent predator under
16 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
17 (d) any person found not guilty of a sex offense or kidnapping offense
18 by reason of insanity under chapter 10.77 RCW; and (e) any person found
19 incompetent to stand trial for a sex offense or kidnapping offense and
20 subsequently committed under chapter 71.05 or 71.34 RCW.

21 (2) Except for the information specifically required under
22 subsection (5) of this section, the extent of the public disclosure of
23 relevant and necessary information shall be rationally related to: (a)
24 The level of risk posed by the offender to the community; (b) the
25 locations where the offender resides, expects to reside, or is
26 regularly found; and (c) the needs of the affected community members
27 for information to enhance their individual and collective safety.

28 (3) Except for the information specifically required under
29 subsection (5) of this section, local law enforcement agencies shall
30 consider the following guidelines in determining the extent of a public

1 disclosure made under this section: (a) For offenders classified as
2 risk level I, the agency shall share information with other appropriate
3 law enforcement agencies and may disclose, upon request, relevant,
4 necessary, and accurate information to any victim or witness to the
5 offense and to any individual community member who lives near the
6 residence where the offender resides, expects to reside, or is
7 regularly found; (b) for offenders classified as risk level II, the
8 agency may also disclose relevant, necessary, and accurate information
9 to public and private schools, child day care centers, family day care
10 providers, businesses and organizations that serve primarily children,
11 women, or vulnerable adults, and neighbors and community groups near
12 the residence where the offender resides, expects to reside, or is
13 regularly found; (c) for offenders classified as risk level III, the
14 agency may also disclose relevant, necessary, and accurate information
15 to the public at large; and (d) because more localized notification is
16 not feasible and homeless and transient offenders may present unique
17 risks to the community, the agency may also disclose relevant,
18 necessary, and accurate information to the public at large for
19 offenders registered as homeless or transient.

20 (4) The county sheriff with whom an offender classified as risk
21 level III is registered shall cause to be published by legal notice,
22 advertising, or news release a sex offender community notification that
23 conforms to the guidelines established under RCW 4.24.5501 in at least
24 one legal newspaper with general circulation in the area of the sex
25 offender's registered address or location. The county sheriff shall
26 also cause to be published consistent with this subsection a current
27 list of level III registered sex offenders, twice yearly. Unless the
28 information is posted on the web site described in subsection (5) of
29 this section, this list shall be maintained by the county sheriff on a
30 publicly accessible web site and shall be updated at least once per
31 month.

32 (5)(a) When funded by federal grants or other sources (~~other than~~
33 ~~state funds~~), the Washington association of sheriffs and police chiefs
34 shall create and maintain a statewide registered sex offender web site,
35 which shall be available to the public. The web site shall post all
36 level III and level II registered sex offenders in the state of
37 Washington.

1 (i) For level III offenders, the web site shall contain, but is not
2 limited to, the registered sex offender's name, relevant criminal
3 convictions, address by hundred block, physical description, and
4 photograph. The web site shall provide mapping capabilities that
5 display the sex offender's address by hundred block on a map. The web
6 site shall allow citizens to search for registered sex offenders within
7 the state of Washington by county, city, zip code, last name, type of
8 conviction, and address by hundred block.

9 (ii) For level II offenders, the web site shall contain, but is not
10 limited to, the same information and functionality as described in
11 (a)(i) of this subsection, provided that it is permissible under state
12 and federal law. If it is not permissible, the web site shall be
13 limited to the information and functionality that is permissible under
14 state and federal law.

15 (b) Until the implementation of (a) of this subsection, the
16 Washington association of sheriffs and police chiefs shall create a web
17 site available to the public that provides electronic links to county-
18 operated web sites that offer sex offender registration information.

19 (6) A local law enforcement agency may post level II and level III
20 community notification bulletins on the agency's web site for sex
21 offenders residing within the agency's jurisdiction.

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

36 ~~((7))~~ (8) An appointed or elected public official, public
37 employee, or public agency as defined in RCW 4.24.470, or units of

1 local government and its employees, as provided in RCW 36.28A.010, are
2 immune from civil liability for damages for any discretionary risk
3 level classification decisions or release of relevant and necessary
4 information, unless it is shown that the official, employee, or agency
5 acted with gross negligence or in bad faith. The immunity in this
6 section applies to risk level classification decisions and the release
7 of relevant and necessary information regarding any individual for whom
8 disclosure is authorized. The decision of a local law enforcement
9 agency or official to classify an offender to a risk level other than
10 the one assigned by the department of corrections, the department of
11 social and health services, or the indeterminate sentence review board,
12 or the release of any relevant and necessary information based on that
13 different classification shall not, by itself, be considered gross
14 negligence or bad faith. The immunity provided under this section
15 applies to the release of relevant and necessary information to other
16 public officials, public employees, or public agencies, and to the
17 general public.

18 ~~((+8+))~~ (9) Except as may otherwise be provided by law, nothing in
19 this section shall impose any liability upon a public official, public
20 employee, or public agency for failing to release information
21 authorized under this section.

22 ~~((+9+))~~ (10) Nothing in this section implies that information
23 regarding persons designated in subsection (1) of this section is
24 confidential except as may otherwise be provided by law.

25 ~~((+10+))~~ (11) When a local law enforcement agency or official
26 classifies an offender differently than the offender is classified by
27 the end of sentence review committee or the department of social and
28 health services at the time of the offender's release from confinement,
29 the law enforcement agency or official shall notify the end of sentence
30 review committee ~~((of-[or]))~~ or the department of social and health
31 services and submit its reasons supporting the change in
32 classification. Upon implementation of subsection (5)(a) of this
33 section, notification of the change shall also be sent to the
34 Washington association of sheriffs and police chiefs."

35 Correct the title.

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