
SUBSTITUTE HOUSE BILL 1982

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kenney, Ahern, Lovick, O'Brien, Mielke, Pearson and Miloscia)

READ FIRST TIME 02/10/04.

1 AN ACT Relating to disclosure of information concerning sex
2 offenders and kidnapping offenders; amending RCW 4.24.550; and creating
3 a new section.

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

5 **Sec. 1.** RCW 4.24.550 and 2003 c 217 s 1 are each amended to read
6 as follows:

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

1 by reason of insanity under chapter 10.77 RCW; and (e) any person found
2 incompetent to stand trial for a sex offense or kidnapping offense and
3 subsequently committed under chapter 71.05 or 71.34 RCW.

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

11 (3) Except for the information specifically required under
12 subsection (5) of this section, local law enforcement agencies shall
13 consider the following guidelines in determining the extent of a public
14 disclosure made under this section: (a) For offenders classified as
15 risk level I, the agency shall share information with (~~other~~
16 ~~appropriate law enforcement agencies~~) the presiding sheriff's
17 department and police department and (~~may~~) shall disclose, upon
18 request, relevant, necessary, and accurate information, including but
19 not limited to the hundredth block address and the first and last name
20 of any offender classified as risk level I to any victim or witness to
21 the offense and to any individual community member who lives (~~near the~~
22 ~~residence~~) within a one-mile radius of where the offender resides,
23 expects to reside, or is regularly found; (b) for offenders classified
24 as risk level II, the agency may also disclose relevant, necessary, and
25 accurate information, including but not limited to the hundredth block
26 address and the first and last name of any offender classified as risk
27 level II, to public and private schools, child day care centers, family
28 day care providers, businesses and organizations that serve primarily
29 children, women, or vulnerable adults, and neighbors and community
30 groups near the residence where the offender resides, expects to
31 reside, or is regularly found; (c) for offenders classified as risk
32 level III, the agency may also disclose relevant, necessary, and
33 accurate information, including but not limited to the hundredth block
34 address and the first and last name of any offender classified as risk
35 level III, to the public at large; and (d) because more localized
36 notification is not feasible and homeless and transient offenders may
37 present unique risks to the community, the agency may also disclose
38 relevant, necessary, and accurate information to the public at large

1 for offenders registered as homeless or transient. The "presiding
2 sheriff's department and police department" as used in this subsection
3 means the governing agency for the municipality in which the sex
4 offender resides, expects to reside, or is regularly found.

5 (4) The county sheriff with whom an offender classified as risk
6 level III is registered shall cause to be published by legal notice,
7 advertising, or news release a sex offender community notification that
8 conforms to the guidelines established under RCW 4.24.5501 in at least
9 one legal newspaper with general circulation in the area of the sex
10 offender's registered address or location. The county sheriff shall
11 also cause to be published consistent with this subsection a current
12 list of level III registered sex offenders, twice yearly. Unless the
13 information is posted on the web site described in subsection (5) of
14 this section, this list shall be maintained by the county sheriff on a
15 publicly accessible web site and shall be updated at least once per
16 month.

17 (5)(a) When funded by federal grants or other sources, the
18 Washington association of sheriffs and police chiefs shall create and
19 maintain a statewide registered sex offender web site, which shall be
20 available to the public. The web site shall post all level III and
21 level II registered sex offenders in the state of Washington.

22 (i) For level III offenders, the web site shall contain, but is not
23 limited to, the registered sex offender's name, relevant criminal
24 convictions, address by hundred block, physical description, and
25 photograph. The web site shall provide mapping capabilities that
26 display the sex offender's address by hundred block on a map. The web
27 site shall allow citizens to search for registered sex offenders within
28 the state of Washington by county, city, zip code, last name, type of
29 conviction, and address by hundred block.

30 (ii) For level II offenders, the web site shall contain, but is not
31 limited to, the same information and functionality as described in
32 (a)(i) of this subsection, provided that it is permissible under state
33 and federal law. If it is not permissible, the web site shall be
34 limited to the information and functionality that is permissible under
35 state and federal law.

36 (b) Until the implementation of (a) of this subsection, the
37 Washington association of sheriffs and police chiefs shall create a web

1 site available to the public that provides electronic links to county-
2 operated web sites that offer sex offender registration information.

3 (6) Local law enforcement agencies that disseminate information
4 pursuant to this section shall: (a) Review available risk level
5 classifications made by the department of corrections, the department
6 of social and health services, and the indeterminate sentence review
7 board; (b) assign risk level classifications to all offenders about
8 whom information will be disseminated; and (c) make a good faith effort
9 to notify the public and residents at least fourteen days before the
10 offender is released from confinement or, where an offender moves from
11 another jurisdiction, as soon as possible after the agency learns of
12 the offender's move, except that in no case may this notification
13 provision be construed to require an extension of an offender's release
14 date. The juvenile court shall provide local law enforcement officials
15 with all relevant information on offenders allowed to remain in the
16 community in a timely manner.

17 (7) An appointed or elected public official, public employee, or
18 public agency as defined in RCW 4.24.470, or units of local government
19 and its employees, as provided in RCW 36.28A.010, are immune from civil
20 liability for damages for any discretionary risk level classification
21 decisions or release of relevant and necessary information, unless it
22 is shown that the official, employee, or agency acted with gross
23 negligence or in bad faith. The immunity in this section applies to
24 risk level classification decisions and the release of relevant and
25 necessary information regarding any individual for whom disclosure is
26 authorized. The decision of a local law enforcement agency or official
27 to classify an offender to a risk level other than the one assigned by
28 the department of corrections, the department of social and health
29 services, or the indeterminate sentence review board, or the release of
30 any relevant and necessary information based on that different
31 classification shall not, by itself, be considered gross negligence or
32 bad faith. The immunity provided under this section applies to the
33 release of relevant and necessary information to other public
34 officials, public employees, or public agencies, and to the general
35 public.

36 (8) Except as may otherwise be provided by law, nothing in this
37 section shall impose any liability upon a public official, public

1 employee, or public agency for failing to release information
2 authorized under this section.

3 (9) Nothing in this section implies that information regarding
4 persons designated in subsection (1) of this section is confidential
5 except as may otherwise be provided by law.

6 (10) When a local law enforcement agency or official classifies an
7 offender differently than the offender is classified by the end of
8 sentence review committee or the department of social and health
9 services at the time of the offender's release from confinement, the
10 law enforcement agency or official shall notify the end of sentence
11 review committee or the department of social and health services and
12 submit its reasons supporting the change in classification. Upon
13 implementation of subsection (5)(a) of this section, notification of
14 the change shall also be sent to the Washington association of sheriffs
15 and police chiefs.

16 NEW SECTION. **Sec. 2.** If any provision of this act or its
17 application to any person or circumstance is held invalid due to a
18 conflict with federal law, the conflicting part of this act is
19 inoperative solely to the extent of the conflict, and such holding does
20 not affect the operation of the remainder of this act or the
21 application of the provision to other persons or circumstances.

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