
HOUSE BILL 1982

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By Representatives Kenney, Ahern, Lovick, O'Brien, Mielke, Pearson and Miloscia

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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 2002 c 118 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))~~ the hundred
19 block address and the first and last name of any offender classified as
20 risk level I to any victim or witness to the offense and to any
21 individual community member who lives ~~((near the residence))~~ within a
22 one-mile radius of where the offender resides, expects to reside, or is
23 regularly found; (b) for offenders classified as risk level II, the
24 agency may also disclose relevant, necessary, and accurate information
25 to public and private schools, child day care centers, family day care
26 providers, businesses and organizations that serve primarily children,
27 women, or vulnerable adults, and neighbors and community groups near
28 the residence where the offender resides, expects to reside, or is
29 regularly found; (c) for offenders classified as risk level III, the
30 agency may also disclose relevant, necessary, and accurate information
31 to the public at large; and (d) because more localized notification is
32 not feasible and homeless and transient offenders may present unique
33 risks to the community, the agency may also disclose relevant,
34 necessary, and accurate information to the public at large for
35 offenders registered as homeless or transient. The "presiding
36 sheriff's department and police department" as used in this subsection
37 means the governing agency for the municipality in which the level I
38 offender resides, expects to reside, or is regularly found.

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

13 (5)(a) When funded by federal grants or other sources other than
14 state funds, the Washington association of sheriffs and police chiefs
15 shall create and maintain a statewide registered sex offender web site,
16 which shall be available to the public. The web site shall post all
17 level III registered sex offenders in the state of Washington. The web
18 site shall contain, but is not limited to, the registered sex
19 offender's name, relevant criminal convictions, address by hundred
20 block, physical description, and photograph. The web site shall
21 provide mapping capabilities that display the sex offender's address by
22 hundred block on a map. The web site shall allow citizens to search
23 for registered sex offenders within the state of Washington by county,
24 city, zip code, last name, type of conviction, and address by hundred
25 block.

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

30 (6) Local law enforcement agencies that disseminate information
31 pursuant to this section shall: (a) Review available risk level
32 classifications made by the department of corrections, the department
33 of social and health services, and the indeterminate sentence review
34 board; (b) assign risk level classifications to all offenders about
35 whom information will be disseminated; and (c) make a good faith effort
36 to notify the public and residents at least fourteen days before the
37 offender is released from confinement or, where an offender moves from
38 another jurisdiction, as soon as possible after the agency learns of

1 the offender's move, except that in no case may this notification
2 provision be construed to require an extension of an offender's release
3 date. The juvenile court shall provide local law enforcement officials
4 with all relevant information on offenders allowed to remain in the
5 community in a timely manner.

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

25 (8) Except as may otherwise be provided by law, nothing in this
26 section shall impose any liability upon a public official, public
27 employee, or public agency for failing to release information
28 authorized under this section.

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

32 (10) When a local law enforcement agency or official classifies an
33 offender differently than the offender is classified by the end of
34 sentence review committee or the department of social and health
35 services at the time of the offender's release from confinement, the
36 law enforcement agency or official shall notify the end of sentence
37 review committee (~~(of~~~~[or])~~) or the department of social and health
38 services and submit its reasons supporting the change in

1 classification. Upon implementation of subsection (5)(a) of this
2 section, notification of the change shall also be sent to the
3 Washington association of sheriffs and police chiefs.

4 NEW SECTION. **Sec. 2.** If any provision of this act or its
5 application to any person or circumstance is held invalid due to a
6 conflict with federal law, the conflicting part of this act is
7 inoperative solely to the extent of the conflict, and such holding does
8 not affect the operation of the remainder of this act or the
9 application of the provision to other persons or circumstances.

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