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SENATE BILL 6713

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By Senators Roach, Schmidt, Oke, Stevens, Kohl-Welles, Jacobsen, Eide, Rasmussen and Shin

Read first time 02/03/2004. Referred to Committee on Children & Family Services & Corrections.

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))~~ 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~~  
25 ~~information))~~ shall share information with the presiding sheriff's  
26 department and police department and shall disclose, upon request, the  
27 hundred block address and the first and last name of any offender  
28 classified as risk level II to any victim or witness to the offense, to  
29 any individual community member who lives within a one-mile radius of  
30 where the offender resides, expects to reside, or is regularly found,  
31 and to public and private schools, child day care centers, family day  
32 care providers, businesses and organizations that serve primarily  
33 children, women, or vulnerable adults, and neighbors and community  
34 groups near the residence where the offender resides, expects to  
35 reside, or is regularly found; (c) for offenders classified as risk  
36 level III, the agency ~~((may also disclose relevant, necessary, and~~  
37 ~~accurate information))~~ shall share information with the presiding  
38 sheriff's department and police department and shall disclose, upon

1 request, the hundred block address and the first and last name of any  
2 offender classified as risk level III to any victim or witness to the  
3 offense, to any individual community member who lives within a one-mile  
4 radius of where the offender resides, expects to reside, or is  
5 regularly found, and to the public at large; and (d) because more  
6 localized notification is not feasible and homeless and transient  
7 offenders may present unique risks to the community, the agency may  
8 also disclose relevant, necessary, and accurate information to the  
9 public at large for offenders registered as homeless or transient. The  
10 "presiding sheriff's department and police department" as used in this  
11 subsection means the governing agency for the municipality in which the  
12 level I, II, or III offender resides, expects to reside, or is  
13 regularly found.

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

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

31 (i) For level III offenders, the web site shall contain, but is not  
32 limited to, the registered sex offender's name, relevant criminal  
33 convictions, address by hundred block, physical description, and  
34 photograph. The web site shall provide mapping capabilities that  
35 display the sex offender's address by hundred block on a map. The web  
36 site shall allow citizens to search for registered sex offenders within  
37 the state of Washington by county, city, zip code, last name, type of  
38 conviction, and address by hundred block.

1 (ii) For level II offenders, the web site shall contain, but is not  
2 limited to, the same information and functionality as described in  
3 (a)(i) of this subsection, provided that it is permissible under state  
4 and federal law. If it is not permissible, the web site shall be  
5 limited to the information and functionality that is permissible under  
6 state and federal law.

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

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

25 (7) An appointed or elected public official, public employee, or  
26 public agency as defined in RCW 4.24.470, or units of local government  
27 and its employees, as provided in RCW 36.28A.010, are immune from civil  
28 liability for damages for any discretionary risk level classification  
29 decisions or release of relevant and necessary information, unless it  
30 is shown that the official, employee, or agency acted with gross  
31 negligence or in bad faith. The immunity in this section applies to  
32 risk level classification decisions and the release of relevant and  
33 necessary information regarding any individual for whom disclosure is  
34 authorized. The decision of a local law enforcement agency or official  
35 to classify an offender to a risk level other than the one assigned by  
36 the department of corrections, the department of social and health  
37 services, or the indeterminate sentence review board, or the release of  
38 any relevant and necessary information based on that different

1 classification shall not, by itself, be considered gross negligence or  
2 bad faith. The immunity provided under this section applies to the  
3 release of relevant and necessary information to other public  
4 officials, public employees, or public agencies, and to the general  
5 public.

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

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

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

23 NEW SECTION. **Sec. 2.** If any provision of this act or its  
24 application to any person or circumstance is held invalid due to a  
25 conflict with federal law, the conflicting part of this act is  
26 inoperative solely to the extent of the conflict, and such holding does  
27 not affect the operation of the remainder of this act or the  
28 application of the provision to other persons or circumstances.

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