

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5410**

Chapter 217, Laws of 2003

58th Legislature  
2003 Regular Session

SEX OFFENDERS--WEB SITE

EFFECTIVE DATE: 7/27/03

Passed by the Senate March 11, 2003  
YEAS 48 NAYS 0

BRAD OWEN

**President of the Senate**

Passed by the House April 23, 2003  
YEAS 98 NAYS 0

FRANK CHOPP

**Speaker of the House of Representatives**

Approved May 12, 2003.

GARY LOCKE

**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**SENATE BILL 5410** as passed by the  
Senate and the House of  
Representatives on the dates  
hereon set forth.

MILTON H. DOUMIT JR.

**Secretary**

FILED

May 12, 2003 - 3:55 p.m.

**Secretary of State  
State of Washington**

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**SENATE BILL 5410**

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Passed Legislature - 2003 Regular Session

**State of Washington                      58th Legislature                      2003 Regular Session**

**By** Senators Stevens, Eide, Keiser, Brandland, Reardon, Roach, Prentice, Regala, Rasmussen, McCaslin, Benton, Winsley, T. Sheldon, Schmidt, Esser, Oke and Shin

Read first time 01/24/2003.      Referred to Committee on Children & Family Services & Corrections.

1            AN ACT Relating to public information about registered sex  
2 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 2002 c 118 s 1 are each amended to read  
5 as follows:

6            (1) In addition to the disclosure under subsection (5) of this  
7 section, public agencies are authorized to release information to the  
8 public regarding sex offenders and kidnapping offenders when the agency  
9 determines that disclosure of the information is relevant and necessary  
10 to protect the public and counteract the danger created by the  
11 particular offender. This authorization applies to information  
12 regarding: (a) Any person adjudicated or convicted of a sex offense as  
13 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW  
14 9A.44.130; (b) any person under the jurisdiction of the indeterminate  
15 sentence review board as the result of a sex offense or kidnapping  
16 offense; (c) any person committed as a sexually violent predator under  
17 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;  
18 (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 appropriate  
16 law enforcement agencies and may disclose, upon request, relevant,  
17 necessary, and accurate information to any victim or witness to the  
18 offense and to any individual community member who lives near the  
19 residence where the offender resides, expects to reside, or is  
20 regularly found; (b) for offenders classified as risk level II, the  
21 agency may also disclose relevant, necessary, and accurate information  
22 to public and private schools, child day care centers, family day care  
23 providers, businesses and organizations that serve primarily children,  
24 women, or vulnerable adults, and neighbors and community groups near  
25 the residence where the offender resides, expects to reside, or is  
26 regularly found; (c) for offenders classified as risk level III, the  
27 agency may also disclose relevant, necessary, and accurate information  
28 to the public at large; and (d) because more localized notification is  
29 not feasible and homeless and transient offenders may present unique  
30 risks to the community, the agency may also disclose relevant,  
31 necessary, and accurate information to the public at large for  
32 offenders registered as homeless or transient.

33 (4) The county sheriff with whom an offender classified as risk  
34 level III is registered shall cause to be published by legal notice,  
35 advertising, or news release a sex offender community notification that  
36 conforms to the guidelines established under RCW 4.24.5501 in at least  
37 one legal newspaper with general circulation in the area of the sex  
38 offender's registered address or location. The county sheriff shall

1 also cause to be published consistent with this subsection a current  
2 list of level III registered sex offenders, twice yearly. Unless the  
3 information is posted on the web site described in subsection (5) of  
4 this section, this list shall be maintained by the county sheriff on a  
5 publicly accessible web site and shall be updated at least once per  
6 month.

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

13 (i) For level III offenders, the web site shall contain, but is not  
14 limited to, the registered sex offender's name, relevant criminal  
15 convictions, address by hundred block, physical description, and  
16 photograph. The web site shall provide mapping capabilities that  
17 display the sex offender's address by hundred block on a map. The web  
18 site shall allow citizens to search for registered sex offenders within  
19 the state of Washington by county, city, zip code, last name, type of  
20 conviction, and address by hundred block.

21 (ii) For level II offenders, the web site shall contain, but is not  
22 limited to, the same information and functionality as described in  
23 (a)(i) of this subsection, provided that it is permissible under state  
24 and federal law. If it is not permissible, the web site shall be  
25 limited to the information and functionality that is permissible under  
26 state and federal law.

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

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

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

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

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

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

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

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

Passed by the Senate March 11, 2003.

Passed by the House April 23, 2003.

Approved by the Governor May 12, 2003.

Filed in Office of Secretary of State May 12, 2003.