
**State Government Operations &
Accountability Committee**

HB 1651

Brief Description: Exempting community notification and release of sex offender information from public disclosure.

Sponsors: Representatives O'Brien, Darneille and Lovick.

Brief Summary of Bill

- Exempts certain information regarding sex offenders from public records disclosure.

Hearing Date: 2/15/05

Staff: Jim Morishima (786-7191).

Background:

Public Records

The Public Disclosure Act requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions narrowly in order to effectuate a general policy favoring disclosure.

The End of Sentence Review Committee

The End of Sentence Review Committee (ESRC) within the Department of Corrections evaluates sex offenders before they are released into the community. The ESRC classifies sex offenders into three risk levels: Risk level I, risk level II, and risk level III, with risk level III offenders posing the highest risk in the community. The ESRC may also refer an offender to the county prosecutor for civil commitment if the offender appears to meet the definition of a sexually violent predator.

When evaluating a sex offender, the ESRC has access to a wide variety of information including police reports, prosecutors' statements of probable cause, psychological evaluations, and criminal history summaries. This information may not be disclosed outside the committee unless otherwise authorized by law.

Once the ESRC classifies an offender, it must issue a notice of pending release to law enforcement agencies. The notice must, at a minimum, contain the identity of the offender, the

criminal history behavior of the offender, and the offender's risk level. Law enforcement agencies use the information to determine how to release information on the offender to the public.

Summary of Bill:

Records or documents are exempt from public records disclosure if they are obtained, prepared, or maintained by an agency with jurisdiction over the release of sex offenders for the purpose of fulfilling the responsibilities of the ESRC and the requirements of law dealing with risk level classification and sending notification to prosecuting attorneys for civil commitment.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.