

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1338**

59th Legislature  
2005 Regular Session

Passed by the House March 8, 2005  
Yeas 93 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate April 12, 2005  
Yeas 44 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1338** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1338

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Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By Representatives O'Brien, Pearson, Darneille, Simpson and Ormsby

Read first time 01/20/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to adding kidnapping to the statewide registered  
2 sex offender web site; 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 2003 c 217 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, the  
8 Washington association of sheriffs and police chiefs shall create and  
9 maintain a statewide registered kidnapping and 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 and all registered  
12 kidnapping offenders in the state of 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 (iii) For kidnapping offenders, the web site shall contain, but is  
28 not limited to, the same information and functionality as described in  
29 (a)(i) of this subsection, provided that it is permissible under state  
30 and federal law. If it is not permissible, the web site shall be  
31 limited to the information and functionality that is permissible under  
32 state and federal law.

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

37 (6) Local law enforcement agencies that disseminate information  
38 pursuant to this section shall: (a) Review available risk level

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

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

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

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

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

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