
SENATE BILL 6769

State of Washington

59th Legislature

2006 Regular Session

By Senators Fraser, Brandland, Kastama, Rasmussen, Keiser and Kohl-Welles

Read first time 01/23/2006. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to notification about sex offenders placed or
2 living in long-term care facilities; reenacting and amending RCW
3 4.24.550 and 4.24.550; adding a new section to chapter 18.51 RCW;
4 adding a new section to chapter 18.20 RCW; adding a new section to
5 chapter 70.128 RCW; adding a new section to chapter 72.36 RCW;
6 providing an effective date; and providing an expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 4.24.550 and 2005 c 228 s 1 and 2005 c 99 s 1 are each
9 reenacted and amended to read as follows:

10 (1) In addition to the disclosure under subsection (5) of this
11 section, public agencies are authorized to release information to the
12 public regarding sex offenders and kidnapping offenders when the agency
13 determines that disclosure of the information is relevant and necessary
14 to protect the public and counteract the danger created by the
15 particular offender. This authorization applies to information
16 regarding: (a) Any person adjudicated or convicted of a sex offense as
17 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW
18 9A.44.130; (b) any person under the jurisdiction of the indeterminate
19 sentence review board as the result of a sex offense or kidnapping

1 offense; (c) any person committed as a sexually violent predator under
2 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
3 (d) any person found not guilty of a sex offense or kidnapping offense
4 by reason of insanity under chapter 10.77 RCW; and (e) any person found
5 incompetent to stand trial for a sex offense or kidnapping offense and
6 subsequently committed under chapter 71.05 or 71.34 RCW.

7 (2) Except for the information specifically required under
8 subsection (5) of this section, the extent of the public disclosure of
9 relevant and necessary information shall be rationally related to: (a)
10 The level of risk posed by the offender to the community; (b) the
11 locations where the offender resides, expects to reside, or is
12 regularly found; and (c) the needs of the affected community members
13 for information to enhance their individual and collective safety.

14 (3) Except for the information specifically required under
15 subsection (5) of this section, local law enforcement agencies shall
16 consider the following guidelines in determining the extent of a public
17 disclosure made under this section: (a) For offenders classified as
18 risk level I, the agency shall share information with other appropriate
19 law enforcement agencies and may disclose, upon request, relevant,
20 necessary, and accurate information to any victim or witness to the
21 offense and to any individual community member who lives near the
22 residence 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, public libraries, businesses and organizations that serve
27 primarily children, women, or vulnerable adults, and neighbors and
28 community groups near the residence where the offender resides, expects
29 to reside, or is regularly found; (c) for offenders classified as risk
30 level III, the agency may also disclose relevant, necessary, and
31 accurate information to the public at large; and (d) because more
32 localized notification is not feasible and homeless and transient
33 offenders may present unique risks to the community, the agency may
34 also disclose relevant, necessary, and accurate information to the
35 public at large for offenders registered as homeless or transient.

36 (4) The county sheriff with whom an offender classified as risk
37 level III is registered shall cause to be published by legal notice,
38 advertising, or news release a sex offender community notification that

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

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

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

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

30 (iii) For kidnapping offenders, the web site shall contain, but is
31 not limited to, the same information and functionality as described in
32 (a)(i) of this subsection, provided that it is permissible under state
33 and federal law. If it is not permissible, the web site shall be
34 limited to the information and functionality that is permissible under
35 state and federal law.

36 (b) Until the implementation of (a) of this subsection, the
37 Washington association of sheriffs and police chiefs shall create a web

1 site available to the public that provides electronic links to county-
2 operated web sites that offer sex offender registration information.

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

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

36 (8) Except as may otherwise be provided by law, nothing in this
37 section shall impose any liability upon a public official, public

1 employee, or public agency for failing to release information
2 authorized under this section.

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

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

16 (11) In addition to the disclosures authorized under this section,
17 when a sex offender classified at risk level II or III is expected to
18 be released or placed by the department of corrections or a local jail
19 into a nursing home, boarding home, adult family home, or other
20 licensed long-term care facility, or already resides or is expected to
21 reside in such a home or facility, the local law enforcement agency
22 shall disclose relevant, necessary, and accurate information about the
23 sex offender to the department of social and health services and to the
24 administrator or operator of the home or facility. The administrator
25 or operator of the facility shall notify its staff, the residents or
26 their representatives, and the state long-term care ombudsman of level
27 II or III sex offenders admitted or residing in the home or facility.

28 **Sec. 2.** RCW 4.24.550 and 2005 c 380 s 2, 2005 c 228 s 1, and 2005
29 c 99 s 1 are each reenacted and amended to read as follows:

30 (1) In addition to the disclosure under subsection (5) of this
31 section, public agencies are authorized to release information to the
32 public regarding sex offenders and kidnapping offenders when the agency
33 determines that disclosure of the information is relevant and necessary
34 to protect the public and counteract the danger created by the
35 particular offender. This authorization applies to information
36 regarding: (a) Any person adjudicated or convicted of a sex offense as
37 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW

1 9A.44.130; (b) any person under the jurisdiction of the indeterminate
2 sentence review board as the result of a sex offense or kidnapping
3 offense; (c) any person committed as a sexually violent predator under
4 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
5 (d) any person found not guilty of a sex offense or kidnapping offense
6 by reason of insanity under chapter 10.77 RCW; and (e) any person found
7 incompetent to stand trial for a sex offense or kidnapping offense and
8 subsequently committed under chapter 71.05 or 71.34 RCW.

9 (2) Except for the information specifically required under
10 subsection (5) of this section, the extent of the public disclosure of
11 relevant and necessary information shall be rationally related to: (a)
12 The level of risk posed by the offender to the community; (b) the
13 locations where the offender resides, expects to reside, or is
14 regularly found; and (c) the needs of the affected community members
15 for information to enhance their individual and collective safety.

16 (3) Except for the information specifically required under
17 subsection (5) of this section, local law enforcement agencies shall
18 consider the following guidelines in determining the extent of a public
19 disclosure made under this section: (a) For offenders classified as
20 risk level I, the agency shall share information with other appropriate
21 law enforcement agencies and, if the offender is a student, the public
22 or private school regulated under Title 28A RCW or chapter 72.40 RCW
23 which the offender is attending, or planning to attend. The agency may
24 disclose, upon request, relevant, necessary, and accurate information
25 to any victim or witness to the offense and to any individual community
26 member who lives near the residence where the offender resides, expects
27 to reside, or is regularly found; (b) for offenders classified as risk
28 level II, the agency may also disclose relevant, necessary, and
29 accurate information to public and private schools, child day care
30 centers, family day care providers, public libraries, businesses and
31 organizations that serve primarily children, women, or vulnerable
32 adults, and neighbors and community groups near the residence where the
33 offender resides, expects to reside, or is regularly found; (c) for
34 offenders classified as risk level III, the agency may also disclose
35 relevant, necessary, and accurate information to the public at large;
36 and (d) because more localized notification is not feasible and
37 homeless and transient offenders may present unique risks to the

1 community, the agency may also disclose relevant, necessary, and
2 accurate information to the public at large for offenders registered as
3 homeless or transient.

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

16 (5)(a) When funded by federal grants or other sources, the
17 Washington association of sheriffs and police chiefs shall create and
18 maintain a statewide registered kidnapping and sex offender web site,
19 which shall be available to the public. The web site shall post all
20 level III and level II registered sex offenders and all registered
21 kidnapping offenders in the state of Washington.

22 (i) For level III offenders, the web site shall contain, but is not
23 limited to, the registered sex offender's name, relevant criminal
24 convictions, address by hundred block, physical description, and
25 photograph. The web site shall provide mapping capabilities that
26 display the sex offender's address by hundred block on a map. The web
27 site shall allow citizens to search for registered sex offenders within
28 the state of Washington by county, city, zip code, last name, type of
29 conviction, and address by hundred block.

30 (ii) For level II offenders, the web site shall contain, but is not
31 limited to, the same information and functionality as described in
32 (a)(i) of this subsection, provided that it is permissible under state
33 and federal law. If it is not permissible, the web site shall be
34 limited to the information and functionality that is permissible under
35 state and federal law.

36 (iii) For kidnapping offenders, the web site shall contain, but is
37 not limited to, the same information and functionality as described in
38 (a)(i) of this subsection, provided that it is permissible under state

1 and federal law. If it is not permissible, the web site shall be
2 limited to the information and functionality that is permissible under
3 state and federal law.

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

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

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

1 release of relevant and necessary information to other public
2 officials, public employees, or public agencies, and to the general
3 public.

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

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

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

21 (11) In addition to the disclosures authorized under this section,
22 when a sex offender classified at risk level II or III is expected to
23 be released or placed by the department of corrections or a local jail
24 into a nursing home, boarding home, adult family home, or other
25 licensed long-term care facility, or already resides or is expected to
26 reside in such a home or facility, the local law enforcement agency
27 shall disclose relevant, necessary, and accurate information about the
28 sex offender to the department of social and health services and to the
29 administrator or operator of the home or facility. The administrator
30 or operator of the facility shall notify its staff, the residents or
31 their representatives, and the state long-term care ombudsman of level
32 II or III sex offenders admitted or residing in the home or facility.

33 **NEW SECTION. Sec. 3.** A new section is added to chapter 18.51 RCW
34 to read as follows:

35 RCW 4.24.550(11) is applicable to this chapter and persons
36 regulated by this chapter.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.20 RCW
2 to read as follows:
3 RCW 4.24.550(11) is applicable to this chapter and persons
4 regulated by this chapter.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.128 RCW
6 to read as follows:
7 RCW 4.24.550(11) is applicable to this chapter and persons
8 regulated by this chapter.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.36 RCW
10 to read as follows:
11 RCW 4.24.550(11) is applicable to this chapter and persons
12 regulated by this chapter.

13 NEW SECTION. **Sec. 7.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 8.** Section 1 of this act expires September 1,
18 2006.

19 NEW SECTION. **Sec. 9.** Sections 2 through 7 of this act take effect
20 September 1, 2006.

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