

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2101**

Chapter 380, Laws of 2005

59th Legislature  
2005 Regular Session

SEX OFFENDERS--SCHOOL NOTIFICATION

EFFECTIVE DATE: 9/1/06

Passed by the House April 19, 2005  
Yeas 96 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 11, 2005  
Yeas 49 Nays 0

BRAD OWEN

**President of the Senate**

Approved May 10, 2005.

CHRISTINE GREGOIRE

**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 2101** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

**Chief Clerk**

FILED

May 10, 2005 - 10:01 a.m.

**Secretary of State  
State of Washington**

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**HOUSE BILL 2101**

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AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

**State of Washington                      59th Legislature                      2005 Regular Session**

**By** Representatives Pearson, Lovick, McDonald and Chase

Read first time 02/17/2005.      Referred to Committee on Juvenile  
Justice & Family Law.

1            AN ACT Relating to registration of sex offenders and kidnapping  
2 offenders in schools, notification to the school, and dissemination of  
3 the information within the school; amending RCW 4.24.550; reenacting  
4 and amending RCW 9A.44.130; creating a new section; and providing an  
5 effective date.

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

7            **Sec. 1.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are  
8 each reenacted and amended to read as follows:

9            (1)(a) Any adult or juvenile residing whether or not the person has  
10 a fixed residence, or who is a student, is employed, or carries on a  
11 vocation in this state who has been found to have committed or has been  
12 convicted of any sex offense or kidnapping offense, or who has been  
13 found not guilty by reason of insanity under chapter 10.77 RCW of  
14 committing any sex offense or kidnapping offense, shall register with  
15 the county sheriff for the county of the person's residence, or if the  
16 person is not a resident of Washington, the county of the person's  
17 school, or place of employment or vocation, or as otherwise specified  
18 in this section. Where a person required to register under this  
19 section is in custody of the state department of corrections, the state

1 department of social and health services, a local division of youth  
2 services, or a local jail or juvenile detention facility as a result of  
3 a sex offense or kidnapping offense, the person shall also register at  
4 the time of release from custody with an official designated by the  
5 agency that has jurisdiction over the person. (~~In addition, any~~  
6 ~~such~~))

7 (b) Any adult or juvenile who is required to register under (a) of  
8 this subsection:

9 (~~(a)~~) (i) Who is attending, or planning to attend, a public or  
10 private school regulated under Title 28A RCW or chapter 72.40 RCW  
11 shall, within ten days of enrolling or prior to arriving at the school  
12 to attend classes, whichever is earlier, notify the sheriff for the  
13 county of the person's residence of the person's intent to attend the  
14 school, and the sheriff shall promptly notify the principal of the  
15 school;

16 (ii) Who is admitted to a public or private institution of higher  
17 education shall, within ten days of enrolling or by the first business  
18 day after arriving at the institution, whichever is earlier, notify the  
19 sheriff for the county of the person's residence of the person's intent  
20 to attend the institution;

21 (~~(b)~~) (iii) Who gains employment at a public or private  
22 institution of higher education shall, within ten days of accepting  
23 employment or by the first business day after commencing work at the  
24 institution, whichever is earlier, notify the sheriff for the county of  
25 the person's residence of the person's employment by the institution;  
26 or

27 (~~(c)~~) (iv) Whose enrollment or employment at a public or private  
28 institution of higher education is terminated shall, within ten days of  
29 such termination, notify the sheriff for the county of the person's  
30 residence of the person's termination of enrollment or employment at  
31 the institution.

32 (c) Persons required to register under this section who are  
33 enrolled in a public or private institution of higher education on June  
34 11, 1998, or a public or private school regulated under Title 28A RCW  
35 or chapter 72.40 RCW on the effective date of this act, must notify the  
36 county sheriff immediately.

37 (d) The sheriff shall notify the school's principal or

1 institution's department of public safety and shall provide that  
2 department with the same information provided to a county sheriff under  
3 subsection (3) of this section.

4 (e)(i) A principal receiving notice under this subsection must  
5 disclose the information received from the sheriff under (b) of this  
6 subsection as follows:

7 (A) If the student who is required to register as a sex offender is  
8 classified as a risk level II or III, the principal shall provide the  
9 information received to every teacher of any student required to  
10 register under (a) of this subsection and to any other personnel who,  
11 in the judgment of the principal, supervises the student or for  
12 security purposes should be aware of the student's record;

13 (B) If the student who is required to register as a sex offender is  
14 classified as a risk level I, the principal shall provide the  
15 information received only to personnel who, in the judgment of the  
16 principal, for security purposes should be aware of the student's  
17 record.

18 (ii) Any information received by a principal or school personnel  
19 under this subsection is confidential and may not be further  
20 disseminated except as provided in RCW 28A.225.330, other statutes or  
21 case law, and the family and educational and privacy rights act of  
22 1994, 20 U.S.C. Sec. 1232g et seq.

23 (2) This section may not be construed to confer any powers pursuant  
24 to RCW 4.24.500 upon the public safety department of any public or  
25 private school or institution of higher education.

26 (3)(a) The person shall provide the following information when  
27 registering: (i) Name; (ii) address; (iii) date and place of birth;  
28 (iv) place of employment; (v) crime for which convicted; (vi) date and  
29 place of conviction; (vii) aliases used; (viii) social security number;  
30 (ix) photograph; and (x) fingerprints.

31 (b) Any person who lacks a fixed residence shall provide the  
32 following information when registering: (i) Name; (ii) date and place  
33 of birth; (iii) place of employment; (iv) crime for which convicted;  
34 (v) date and place of conviction; (vi) aliases used; (vii) social  
35 security number; (viii) photograph; (ix) fingerprints; and (x) where he  
36 or she plans to stay.

37 (4)(a) Offenders shall register with the county sheriff within the

1 following deadlines. For purposes of this section the term  
2 "conviction" refers to adult convictions and juvenile adjudications for  
3 sex offenses or kidnapping offenses:

4 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
5 offense on, before, or after February 28, 1990, and who, on or after  
6 July 28, 1991, are in custody, as a result of that offense, of the  
7 state department of corrections, the state department of social and  
8 health services, a local division of youth services, or a local jail or  
9 juvenile detention facility, and (B) kidnapping offenders who on or  
10 after July 27, 1997, are in custody of the state department of  
11 corrections, the state department of social and health services, a  
12 local division of youth services, or a local jail or juvenile detention  
13 facility, must register at the time of release from custody with an  
14 official designated by the agency that has jurisdiction over the  
15 offender. The agency shall within three days forward the registration  
16 information to the county sheriff for the county of the offender's  
17 anticipated residence. The offender must also register within twenty-  
18 four hours from the time of release with the county sheriff for the  
19 county of the person's residence, or if the person is not a resident of  
20 Washington, the county of the person's school, or place of employment  
21 or vocation. The agency that has jurisdiction over the offender shall  
22 provide notice to the offender of the duty to register. Failure to  
23 register at the time of release and within twenty-four hours of release  
24 constitutes a violation of this section and is punishable as provided  
25 in subsection (10) of this section.

26 When the agency with jurisdiction intends to release an offender  
27 with a duty to register under this section, and the agency has  
28 knowledge that the offender is eligible for developmental disability  
29 services from the department of social and health services, the agency  
30 shall notify the division of developmental disabilities of the release.  
31 Notice shall occur not more than thirty days before the offender is to  
32 be released. The agency and the division shall assist the offender in  
33 meeting the initial registration requirement under this section.  
34 Failure to provide such assistance shall not constitute a defense for  
35 any violation of this section.

36 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
37 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody  
38 but are under the jurisdiction of the indeterminate sentence review

1 board or under the department of corrections' active supervision, as  
2 defined by the department of corrections, the state department of  
3 social and health services, or a local division of youth services, for  
4 sex offenses committed before, on, or after February 28, 1990, must  
5 register within ten days of July 28, 1991. Kidnapping offenders who,  
6 on July 27, 1997, are not in custody but are under the jurisdiction of  
7 the indeterminate sentence review board or under the department of  
8 corrections' active supervision, as defined by the department of  
9 corrections, the state department of social and health services, or a  
10 local division of youth services, for kidnapping offenses committed  
11 before, on, or after July 27, 1997, must register within ten days of  
12 July 27, 1997. A change in supervision status of a sex offender who  
13 was required to register under this subsection (4)(a)(ii) as of July  
14 28, 1991, or a kidnapping offender required to register as of July 27,  
15 1997, shall not relieve the offender of the duty to register or to  
16 reregister following a change in residence. The obligation to register  
17 shall only cease pursuant to RCW 9A.44.140.

18 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
19 or after July 23, 1995, and kidnapping offenders who, on or after July  
20 27, 1997, as a result of that offense are in the custody of the United  
21 States bureau of prisons or other federal or military correctional  
22 agency for sex offenses committed before, on, or after February 28,  
23 1990, or kidnapping offenses committed on, before, or after July 27,  
24 1997, must register within twenty-four hours from the time of release  
25 with the county sheriff for the county of the person's residence, or if  
26 the person is not a resident of Washington, the county of the person's  
27 school, or place of employment or vocation. Sex offenders who, on July  
28 23, 1995, are not in custody but are under the jurisdiction of the  
29 United States bureau of prisons, United States courts, United States  
30 parole commission, or military parole board for sex offenses committed  
31 before, on, or after February 28, 1990, must register within ten days  
32 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not  
33 in custody but are under the jurisdiction of the United States bureau  
34 of prisons, United States courts, United States parole commission, or  
35 military parole board for kidnapping offenses committed before, on, or  
36 after July 27, 1997, must register within ten days of July 27, 1997.  
37 A change in supervision status of a sex offender who was required to  
38 register under this subsection (4)(a)(iii) as of July 23, 1995, or a

1 kidnapping offender required to register as of July 27, 1997 shall not  
2 relieve the offender of the duty to register or to reregister following  
3 a change in residence, or if the person is not a resident of  
4 Washington, the county of the person's school, or place of employment  
5 or vocation. The obligation to register shall only cease pursuant to  
6 RCW 9A.44.140.

7 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
8 who are convicted of a sex offense on or after July 28, 1991, for a sex  
9 offense that was committed on or after February 28, 1990, and  
10 kidnapping offenders who are convicted on or after July 27, 1997, for  
11 a kidnapping offense that was committed on or after July 27, 1997, but  
12 who are not sentenced to serve a term of confinement immediately upon  
13 sentencing, shall report to the county sheriff to register immediately  
14 upon completion of being sentenced.

15 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
16 RESIDENTS. Sex offenders and kidnapping offenders who move to  
17 Washington state from another state or a foreign country that are not  
18 under the jurisdiction of the state department of corrections, the  
19 indeterminate sentence review board, or the state department of social  
20 and health services at the time of moving to Washington, must register  
21 within thirty days of establishing residence or reestablishing  
22 residence if the person is a former Washington resident. The duty to  
23 register under this subsection applies to sex offenders convicted under  
24 the laws of another state or a foreign country, federal or military  
25 statutes, or Washington state for offenses committed on or after  
26 February 28, 1990, and to kidnapping offenders convicted under the laws  
27 of another state or a foreign country, federal or military statutes, or  
28 Washington state for offenses committed on or after July 27, 1997. Sex  
29 offenders and kidnapping offenders from other states or a foreign  
30 country who, when they move to Washington, are under the jurisdiction  
31 of the department of corrections, the indeterminate sentence review  
32 board, or the department of social and health services must register  
33 within twenty-four hours of moving to Washington. The agency that has  
34 jurisdiction over the offender shall notify the offender of the  
35 registration requirements before the offender moves to Washington.

36 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
37 or juvenile who has been found not guilty by reason of insanity under  
38 chapter 10.77 RCW of (A) committing a sex offense on, before, or after

1 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
2 as a result of that finding, of the state department of social and  
3 health services, or (B) committing a kidnapping offense on, before, or  
4 after July 27, 1997, and who on or after July 27, 1997, is in custody,  
5 as a result of that finding, of the state department of social and  
6 health services, must register within twenty-four hours from the time  
7 of release with the county sheriff for the county of the person's  
8 residence. The state department of social and health services shall  
9 provide notice to the adult or juvenile in its custody of the duty to  
10 register. Any adult or juvenile who has been found not guilty by  
11 reason of insanity of committing a sex offense on, before, or after  
12 February 28, 1990, but who was released before July 23, 1995, or any  
13 adult or juvenile who has been found not guilty by reason of insanity  
14 of committing a kidnapping offense but who was released before July 27,  
15 1997, shall be required to register within twenty-four hours of  
16 receiving notice of this registration requirement. The state  
17 department of social and health services shall make reasonable attempts  
18 within available resources to notify sex offenders who were released  
19 before July 23, 1995, and kidnapping offenders who were released before  
20 July 27, 1997. Failure to register within twenty-four hours of  
21 release, or of receiving notice, constitutes a violation of this  
22 section and is punishable as provided in subsection (10) of this  
23 section.

24 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks  
25 a fixed residence and leaves the county in which he or she is  
26 registered and enters and remains within a new county for twenty-four  
27 hours is required to register with the county sheriff not more than  
28 twenty-four hours after entering the county and provide the information  
29 required in subsection (3)(b) of this section.

30 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER  
31 SUPERVISION. Offenders who lack a fixed residence and who are under  
32 the supervision of the department shall register in the county of their  
33 supervision.

34 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
35 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
36 who move to another state, or who work, carry on a vocation, or attend  
37 school in another state shall register a new address, fingerprints, and  
38 photograph with the new state within ten days after establishing



1 residence, or after beginning to work, carry on a vocation, or attend  
2 school in the new state. The person must also send written notice  
3 within ten days of moving to the new state or to a foreign country to  
4 the county sheriff with whom the person last registered in Washington  
5 state. The county sheriff shall promptly forward this information to  
6 the Washington state patrol.

7 (b) Failure to register within the time required under this section  
8 constitutes a per se violation of this section and is punishable as  
9 provided in subsection (10) of this section. The county sheriff shall  
10 not be required to determine whether the person is living within the  
11 county.

12 (c) An arrest on charges of failure to register, service of an  
13 information, or a complaint for a violation of this section, or  
14 arraignment on charges for a violation of this section, constitutes  
15 actual notice of the duty to register. Any person charged with the  
16 crime of failure to register under this section who asserts as a  
17 defense the lack of notice of the duty to register shall register  
18 immediately following actual notice of the duty through arrest,  
19 service, or arraignment. Failure to register as required under this  
20 subsection (4)(c) constitutes grounds for filing another charge of  
21 failing to register. Registering following arrest, service, or  
22 arraignment on charges shall not relieve the offender from criminal  
23 liability for failure to register prior to the filing of the original  
24 charge.

25 (d) The deadlines for the duty to register under this section do  
26 not relieve any sex offender of the duty to register under this section  
27 as it existed prior to July 28, 1991.

28 (5)(a) If any person required to register pursuant to this section  
29 changes his or her residence address within the same county, the person  
30 must send written notice of the change of address to the county sheriff  
31 within seventy-two hours of moving. If any person required to register  
32 pursuant to this section moves to a new county, the person must send  
33 written notice of the change of address at least fourteen days before  
34 moving to the county sheriff in the new county of residence and must  
35 register with that county sheriff within twenty-four hours of moving.  
36 The person must also send written notice within ten days of the change  
37 of address in the new county to the county sheriff with whom the person  
38 last registered. The county sheriff with whom the person last

1 registered shall promptly forward the information concerning the change  
2 of address to the county sheriff for the county of the person's new  
3 residence. Upon receipt of notice of change of address to a new state,  
4 the county sheriff shall promptly forward the information regarding the  
5 change of address to the agency designated by the new state as the  
6 state's offender registration agency.

7 (b) It is an affirmative defense to a charge that the person failed  
8 to send a notice at least fourteen days in advance of moving as  
9 required under (a) of this subsection that the person did not know the  
10 location of his or her new residence at least fourteen days before  
11 moving. The defendant must establish the defense by a preponderance of  
12 the evidence and, to prevail on the defense, must also prove by a  
13 preponderance that the defendant sent the required notice within  
14 twenty-four hours of determining the new address.

15 (6)(a) Any person required to register under this section who lacks  
16 a fixed residence shall provide written notice to the sheriff of the  
17 county where he or she last registered within forty-eight hours  
18 excluding weekends and holidays after ceasing to have a fixed  
19 residence. The notice shall include the information required by  
20 subsection (3)(b) of this section, except the photograph and  
21 fingerprints. The county sheriff may, for reasonable cause, require  
22 the offender to provide a photograph and fingerprints. The sheriff  
23 shall forward this information to the sheriff of the county in which  
24 the person intends to reside, if the person intends to reside in  
25 another county.

26 (b) A person who lacks a fixed residence must report weekly, in  
27 person, to the sheriff of the county where he or she is registered.  
28 The weekly report shall be on a day specified by the county sheriff's  
29 office, and shall occur during normal business hours. The county  
30 sheriff's office may require the person to list the locations where the  
31 person has stayed during the last seven days. The lack of a fixed  
32 residence is a factor that may be considered in determining an  
33 offender's risk level and shall make the offender subject to disclosure  
34 of information to the public at large pursuant to RCW 4.24.550.

35 (c) If any person required to register pursuant to this section  
36 does not have a fixed residence, it is an affirmative defense to the  
37 charge of failure to register, that he or she provided written notice  
38 to the sheriff of the county where he or she last registered within

1 forty-eight hours excluding weekends and holidays after ceasing to have  
2 a fixed residence and has subsequently complied with the requirements  
3 of subsections (4)(a)(vii) or (viii) and (6) of this section. To  
4 prevail, the person must prove the defense by a preponderance of the  
5 evidence.

6 (7) A sex offender subject to registration requirements under this  
7 section who applies to change his or her name under RCW 4.24.130 or any  
8 other law shall submit a copy of the application to the county sheriff  
9 of the county of the person's residence and to the state patrol not  
10 fewer than five days before the entry of an order granting the name  
11 change. No sex offender under the requirement to register under this  
12 section at the time of application shall be granted an order changing  
13 his or her name if the court finds that doing so will interfere with  
14 legitimate law enforcement interests, except that no order shall be  
15 denied when the name change is requested for religious or legitimate  
16 cultural reasons or in recognition of marriage or dissolution of  
17 marriage. A sex offender under the requirement to register under this  
18 section who receives an order changing his or her name shall submit a  
19 copy of the order to the county sheriff of the county of the person's  
20 residence and to the state patrol within five days of the entry of the  
21 order.

22 (8) The county sheriff shall obtain a photograph of the individual  
23 and shall obtain a copy of the individual's fingerprints.

24 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,  
25 70.48.470, and 72.09.330:

26 (a) "Sex offense" means:

27 (i) Any offense defined as a sex offense by RCW 9.94A.030;

28 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a  
29 minor in the second degree);

30 (iii) Any violation under RCW 9.68A.090 (communication with a minor  
31 for immoral purposes);

32 (iv) Any federal or out-of-state conviction for an offense that  
33 under the laws of this state would be classified as a sex offense under  
34 this subsection; and

35 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
36 criminal attempt, criminal solicitation, or criminal conspiracy to  
37 commit an offense that is classified as a sex offense under RCW  
38 9.94A.030 or this subsection.

1 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
2 the first degree, kidnapping in the second degree, and unlawful  
3 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
4 minor and the offender is not the minor's parent; (ii) any offense that  
5 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
6 or criminal conspiracy to commit an offense that is classified as a  
7 kidnapping offense under this subsection (9)(b); and (iii) any federal  
8 or out-of-state conviction for an offense that under the laws of this  
9 state would be classified as a kidnapping offense under this subsection  
10 (9)(b).

11 (c) "Employed" or "carries on a vocation" means employment that is  
12 full-time or part-time for a period of time exceeding fourteen days, or  
13 for an aggregate period of time exceeding thirty days during any  
14 calendar year. A person is employed or carries on a vocation whether  
15 the person's employment is financially compensated, volunteered, or for  
16 the purpose of government or educational benefit.

17 (d) "Student" means a person who is enrolled, on a full-time or  
18 part-time basis, in any public or private educational institution. An  
19 educational institution includes any secondary school, trade or  
20 professional institution, or institution of higher education.

21 (10)(a) A person who knowingly fails to register with the county  
22 sheriff or notify the county sheriff, or who changes his or her name  
23 without notifying the county sheriff and the state patrol, as required  
24 by this section is guilty of a class C felony if the crime for which  
25 the individual was convicted was a felony sex offense as defined in  
26 subsection (9)(a) of this section or a federal or out-of-state  
27 conviction for an offense that under the laws of this state would be a  
28 felony sex offense as defined in subsection (9)(a) of this section.

29 (b) If the crime for which the individual was convicted was other  
30 than a felony or a federal or out-of-state conviction for an offense  
31 that under the laws of this state would be other than a felony,  
32 violation of this section is a gross misdemeanor.

33 (11)(a) A person who knowingly fails to register or who moves  
34 within the state without notifying the county sheriff as required by  
35 this section is guilty of a class C felony if the crime for which the  
36 individual was convicted was a felony kidnapping offense as defined in  
37 subsection (9)(b) of this section or a federal or out-of-state

1 conviction for an offense that under the laws of this state would be a  
2 felony kidnapping offense as defined in subsection (9)(b) of this  
3 section.

4 (b) If the crime for which the individual was convicted was other  
5 than a felony or a federal or out-of-state conviction for an offense  
6 that under the laws of this state would be other than a felony,  
7 violation of this section is a gross misdemeanor.

8 (12) Except as may otherwise be provided by law, nothing in this  
9 section shall impose any liability upon a peace officer, including a  
10 county sheriff, or law enforcement agency, for failing to release  
11 information authorized under this section.

12 **Sec. 2.** RCW 4.24.550 and 2003 c 217 s 1 are each amended to read  
13 as follows:

14 (1) In addition to the disclosure under subsection (5) of this  
15 section, public agencies are authorized to release information to the  
16 public regarding sex offenders and kidnapping offenders when the agency  
17 determines that disclosure of the information is relevant and necessary  
18 to protect the public and counteract the danger created by the  
19 particular offender. This authorization applies to information  
20 regarding: (a) Any person adjudicated or convicted of a sex offense as  
21 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW  
22 9A.44.130; (b) any person under the jurisdiction of the indeterminate  
23 sentence review board as the result of a sex offense or kidnapping  
24 offense; (c) any person committed as a sexually violent predator under  
25 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;  
26 (d) any person found not guilty of a sex offense or kidnapping offense  
27 by reason of insanity under chapter 10.77 RCW; and (e) any person found  
28 incompetent to stand trial for a sex offense or kidnapping offense and  
29 subsequently committed under chapter 71.05 or 71.34 RCW.

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

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

25 (4) The county sheriff with whom an offender classified as risk  
26 level III is registered shall cause to be published by legal notice,  
27 advertising, or news release a sex offender community notification that  
28 conforms to the guidelines established under RCW 4.24.5501 in at least  
29 one legal newspaper with general circulation in the area of the sex  
30 offender's registered address or location. The county sheriff shall  
31 also cause to be published consistent with this subsection a current  
32 list of level III registered sex offenders, twice yearly. Unless the  
33 information is posted on the web site described in subsection (5) of  
34 this section, this list shall be maintained by the county sheriff on a  
35 publicly accessible web site and shall be updated at least once per  
36 month.

37 (5)(a) When funded by federal grants or other sources, the  
38 Washington association of sheriffs and police chiefs shall create and

1 maintain a statewide registered sex offender web site, which shall be  
2 available to the public. The web site shall post all level III and  
3 level II registered sex offenders in the state of Washington.

4 (i) For level III offenders, the web site shall contain, but is not  
5 limited to, the registered sex offender's name, relevant criminal  
6 convictions, address by hundred block, physical description, and  
7 photograph. The web site shall provide mapping capabilities that  
8 display the sex offender's address by hundred block on a map. The web  
9 site shall allow citizens to search for registered sex offenders within  
10 the state of Washington by county, city, zip code, last name, type of  
11 conviction, and address by hundred block.

12 (ii) For level II offenders, the web site shall contain, but is not  
13 limited to, the same information and functionality as described in  
14 (a)(i) of this subsection, provided that it is permissible under state  
15 and federal law. If it is not permissible, the web site shall be  
16 limited to the information and functionality that is permissible under  
17 state and federal law.

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

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

36 (7) An appointed or elected public official, public employee, or  
37 public agency as defined in RCW 4.24.470, or units of local government  
38 and its employees, as provided in RCW 36.28A.010, are immune from civil

1 liability for damages for any discretionary risk level classification  
2 decisions or release of relevant and necessary information, unless it  
3 is shown that the official, employee, or agency acted with gross  
4 negligence or in bad faith. The immunity in this section applies to  
5 risk level classification decisions and the release of relevant and  
6 necessary information regarding any individual for whom disclosure is  
7 authorized. The decision of a local law enforcement agency or official  
8 to classify an offender to a risk level other than the one assigned by  
9 the department of corrections, the department of social and health  
10 services, or the indeterminate sentence review board, or the release of  
11 any relevant and necessary information based on that different  
12 classification shall not, by itself, be considered gross negligence or  
13 bad faith. The immunity provided under this section applies to the  
14 release of relevant and necessary information to other public  
15 officials, public employees, or public agencies, and to the general  
16 public.

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

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

24 (10) When a local law enforcement agency or official classifies an  
25 offender differently than the offender is classified by the end of  
26 sentence review committee or the department of social and health  
27 services at the time of the offender's release from confinement, the  
28 law enforcement agency or official shall notify the end of sentence  
29 review committee or the department of social and health services and  
30 submit its reasons supporting the change in classification. Upon  
31 implementation of subsection (5)(a) of this section, notification of  
32 the change shall also be sent to the Washington association of sheriffs  
33 and police chiefs.

34 NEW SECTION. **Sec. 3.** The safety center of the office of the  
35 superintendent of public instruction shall review the types and amounts  
36 of training that will be necessary for principals, teachers,



1 supervisors, and school staff to implement this act and shall report to  
2 the appropriate committees of the legislature with recommendations for  
3 training requirements not later than January 1, 2006.

4 NEW SECTION. **Sec. 4.** This act takes effect September 1, 2006.

Passed by the House April 19, 2005.

Passed by the Senate April 11, 2005.

Approved by the Governor May 10, 2005.

Filed in Office of Secretary of State May 10, 2005.