

HB 2786 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 03/07/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 4.24.550 and 2005 c 380 s 2, 2005 c 228 s 1, and 2005  
4 c 99 s 1 are each reenacted and amended to read as follows:

5 (1) In addition to the disclosure under subsection (5) of this  
6 section, public agencies are authorized to release information to the  
7 public regarding sex offenders and kidnapping offenders when the agency  
8 determines that disclosure of the information is relevant and necessary  
9 to protect the public and counteract the danger created by the  
10 particular offender. This authorization applies to information  
11 regarding: (a) Any person adjudicated or convicted of a sex offense as  
12 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW  
13 9A.44.130; (b) any person under the jurisdiction of the indeterminate  
14 sentence review board as the result of a sex offense or kidnapping  
15 offense; (c) any person committed as a sexually violent predator under  
16 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;  
17 (d) any person found not guilty of a sex offense or kidnapping offense  
18 by reason of insanity under chapter 10.77 RCW; and (e) any person found  
19 incompetent to stand trial for a sex offense or kidnapping offense and  
20 subsequently committed under chapter 71.05 or 71.34 RCW.

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

28 (3) Except for the information specifically required under  
29 subsection (5) of this section, local law enforcement agencies shall  
30 consider the following guidelines in determining the extent of a public

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

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

35 (5)(a) When funded by federal grants or other sources, the  
36 Washington association of sheriffs and police chiefs shall create and  
37 maintain a statewide registered kidnapping and sex offender web site,  
38 which shall be available to the public. The web site shall post all

1 level III and level II registered sex offenders, level I registered sex  
2 offenders during the time they are out of compliance with registration  
3 requirements under RCW 9A.44.130, and all registered kidnapping  
4 offenders in the state of Washington.

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

13 (ii) For level II offenders, and level I sex offenders during the  
14 time they are out of compliance with registration requirements under  
15 RCW 9A.44.130, the web site shall contain, but is not limited to, the  
16 same information and functionality as described in (a)(i) of this  
17 subsection, provided that it is permissible under state and federal  
18 law. If it is not permissible, the web site shall be limited to the  
19 information and functionality that is permissible under state and  
20 federal law.

21 (iii) For kidnapping offenders, the web site shall contain, but is  
22 not 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 the department of social and health services and

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

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5 On page 1, line 3 of the title, after "site;" strike the remainder  
6 of the title and insert "and reenacting and amending RCW 4.24.550."

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