
SUBSTITUTE SENATE BILL 6489

State of Washington

60th Legislature

2008 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Hargrove, Regala, Brandland, Stevens, Carrell, Shin, Rasmussen, Delvin, Benton, and Kilmer; by request of Governor Gregoire)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to including on the statewide notification web site
2 information about level I offenders who are out of compliance with
3 registration requirements under RCW 9A.44.130; and reenacting and
4 amending RCW 4.24.550.

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

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

8 (1) In addition to the disclosure under subsection (5) of this
9 section, public agencies are authorized to release information to the
10 public regarding sex offenders and kidnapping offenders when the agency
11 determines that disclosure of the information is relevant and necessary
12 to protect the public and counteract the danger created by the
13 particular offender. This authorization applies to information
14 regarding: (a) Any person adjudicated or convicted of a sex offense as
15 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW
16 9A.44.130; (b) any person under the jurisdiction of the indeterminate
17 sentence review board as the result of a sex offense or kidnapping
18 offense; (c) any person committed as a sexually violent predator under
19 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;

1 (d) any person found not guilty of a sex offense or kidnapping offense
2 by reason of insanity under chapter 10.77 RCW; and (e) any person found
3 incompetent to stand trial for a sex offense or kidnapping offense and
4 subsequently committed under chapter 71.05 or 71.34 RCW.

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

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

37 (4) The county sheriff with whom an offender classified as risk
38 level III is registered shall cause to be published by legal notice,

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

11 (5)(a) When funded by federal grants or other sources, the
12 Washington association of sheriffs and police chiefs shall create and
13 maintain a statewide registered kidnapping and sex offender web site,
14 which shall be available to the public. The web site shall post all
15 level III and level II registered sex offenders, level I registered sex
16 offenders during the time they are out of compliance with registration
17 requirements under RCW 9A.44.130, and all registered kidnapping
18 offenders in the state of Washington.

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

27 (ii) For level II offenders, and level I sex offenders during the
28 time they are out of compliance with registration requirements under
29 RCW 9A.44.130, the web site shall contain, but is not limited to, the
30 same information and functionality as described in (a)(i) of this
31 subsection, provided that it is permissible under state and federal
32 law. If it is not permissible, the web site shall be limited to the
33 information and functionality that is permissible under state and
34 federal law.

35 (iii) For kidnapping offenders, the web site shall contain, but is
36 not limited to, the same information and functionality as described in
37 (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.

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