

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1790

Chapter 400, Laws of 2009

61st Legislature
2009 Regular Session

NOTICE OF RELEASE--DOMESTIC VIOLENCE COURT ORDER VIOLATIONS

EFFECTIVE DATE: 08/01/09

Passed by the House April 18, 2009
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2009
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 7, 2009, 2:43 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1790** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 8, 2009

**Secretary of State
State of Washington**

HOUSE BILL 1790

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Representatives O'Brien, Hurst, Dickerson, Orwall, Green, Morrell, Dammeier, Klippert, Walsh, Darneille, Kelley, Probst, and Hudgins; by request of Department of Corrections

Read first time 01/29/09. Referred to Committee on Human Services.

1 AN ACT Relating to including domestic violence court order
2 violations to the list of offenses eligible for notification; amending
3 RCW 72.09.712 and 72.09.714; and providing an effective date.

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

5 **Sec. 1.** RCW 72.09.712 and 2008 c 231 s 27 are each amended to read
6 as follows:

7 (1) At the earliest possible date, and in no event later than
8 thirty days before release except in the event of escape or emergency
9 furloughs as defined in RCW 72.66.010, the department of corrections
10 shall send written notice of parole, release, community custody, work
11 release placement, furlough, or escape about a specific inmate
12 convicted of a violent offense, a sex offense as defined by RCW
13 9.94A.030, a domestic violence court order violation pursuant to RCW
14 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110,
15 26.52.070, or 74.34.145, or a felony harassment offense as defined by
16 RCW 9A.46.060 or 9A.46.110, to the following:

17 (a) The chief of police of the city, if any, in which the inmate
18 will reside or in which placement will be made in a work release
19 program; and

1 (b) The sheriff of the county in which the inmate will reside or in
2 which placement will be made in a work release program.

3 The sheriff of the county where the offender was convicted shall be
4 notified if the department does not know where the offender will
5 reside. The department shall notify the state patrol of the release of
6 all sex offenders, and that information shall be placed in the
7 Washington crime information center for dissemination to all law
8 enforcement.

9 (2) The same notice as required by subsection (1) of this section
10 shall be sent to the following if such notice has been requested in
11 writing about a specific inmate convicted of a violent offense, a sex
12 offense as defined by RCW 9.94A.030, a domestic violence court order
13 violation pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220,
14 26.26.138, 26.50.110, 26.52.070, or 74.34.145, or a felony harassment
15 offense as defined by RCW 9A.46.060 or 9A.46.110:

16 (a) The victim of the crime for which the inmate was convicted or
17 the victim's next of kin if the crime was a homicide;

18 (b) Any witnesses who testified against the inmate in any court
19 proceedings involving the violent offense;

20 (c) Any person specified in writing by the prosecuting attorney;
21 and

22 (d) Any person who requests such notice about a specific inmate
23 convicted of a sex offense as defined by RCW 9.94A.030 from the
24 department of corrections at least sixty days prior to the expected
25 release date of the offender.

26 Information regarding victims, next of kin, or witnesses requesting
27 the notice, information regarding any other person specified in writing
28 by the prosecuting attorney to receive the notice, and the notice are
29 confidential and shall not be available to the inmate. Whenever the
30 department of corrections mails notice pursuant to this subsection and
31 the notice is returned as undeliverable, the department shall attempt
32 alternative methods of notification, including a telephone call to the
33 person's last known telephone number.

34 (3) The existence of the notice requirements contained in
35 subsections (1) and (2) of this section shall not require an extension
36 of the release date in the event that the release plan changes after
37 notification.

1 (4) If an inmate convicted of a violent offense, a sex offense as
2 defined by RCW 9.94A.030, a domestic violence court order violation
3 pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138,
4 26.50.110, 26.52.070, or 74.34.145, or a felony harassment offense as
5 defined by RCW 9A.46.060 or 9A.46.110, escapes from a correctional
6 facility, the department of corrections shall immediately notify, by
7 the most reasonable and expedient means available, the chief of police
8 of the city and the sheriff of the county in which the inmate resided
9 immediately before the inmate's arrest and conviction. If previously
10 requested, the department shall also notify the witnesses and the
11 victim of the crime for which the inmate was convicted or the victim's
12 next of kin if the crime was a homicide. If the inmate is recaptured,
13 the department shall send notice to the persons designated in this
14 subsection as soon as possible but in no event later than two working
15 days after the department learns of such recapture.

16 (5) If the victim, the victim's next of kin, or any witness is
17 under the age of sixteen, the notice required by this section shall be
18 sent to the parents or legal guardian of the child.

19 (6) The department of corrections shall send the notices required
20 by this chapter to the last address provided to the department by the
21 requesting party. The requesting party shall furnish the department
22 with a current address.

23 (7) The department of corrections shall keep, for a minimum of two
24 years following the release of an inmate, the following:

25 (a) A document signed by an individual as proof that that person is
26 registered in the victim or witness notification program; and

27 (b) A receipt showing that an individual registered in the victim
28 or witness notification program was mailed a notice, at the
29 individual's last known address, upon the release or movement of an
30 inmate.

31 (8) For purposes of this section the following terms have the
32 following meanings:

33 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

34 (b) "Next of kin" means a person's spouse, parents, siblings and
35 children.

36 (9) Nothing in this section shall impose any liability upon a chief
37 of police of a city or sheriff of a county for failing to request in
38 writing a notice as provided in subsection (1) of this section.

1 **Sec. 2.** RCW 72.09.714 and 1989 c 30 s 2 are each amended to read
2 as follows:

3 The department of corrections shall provide the victims, witnesses,
4 and next of kin in the case of a homicide and victims and witnesses
5 involved in violent offense cases ((~~or~~)), sex offenses as defined by
6 RCW 9.94A.030 ((~~where a judgment and sentence was entered after October~~
7 ~~1, 1983~~)), a domestic violence court order violation pursuant to RCW
8 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110,
9 26.52.070, or 74.34.145, or a felony harassment pursuant to RCW
10 9A.46.060 or 9A.46.110, a statement of the rights of victims and
11 witnesses to request and receive notification under RCW ((~~9.94A.612~~))
12 72.09.712 and ((~~9.94A.616~~)) 72.09.716.

13 NEW SECTION. **Sec. 3.** This act takes effect August 1, 2009.
 Passed by the House April 18, 2009.
 Passed by the Senate April 10, 2009.
 Approved by the Governor May 7, 2009.
 Filed in Office of Secretary of State May 8, 2009.