
Public Safety Committee

HB 2459

Brief Description: Increasing the public disclosure of registered sex offenders.

Sponsors: Representatives Dye, Mosbrucker and Chambers.

Brief Summary of Bill

- Modifies the guidelines for disclosure by public agencies of relevant, necessary, and accurate information regarding registered sex or kidnapping offenders with a risk level I to provide for disclosure of information to schools, child care providers, and other specified entities and individuals.

Hearing Date: 1/20/20

Staff: Omeara Harrington (786-7136).

Background:

Registration of Sex and Kidnapping Offenders. Any adult or juvenile who is residing, is a student, or is employed in Washington who has been found to have committed or has been convicted of a sex or kidnapping offense (or who has been found not guilty by reason of insanity of committing a sex or kidnapping offense) must register with his or her local county sheriff. The length of time an offender must register depends on the underlying offense and prior offenses.

Risk Classification. Sheriffs must assign risk level classifications to all registered offenders. Registered offenders are classified according to risk levels I, II, and III based on risk to re-offend in the community (low, moderate, and high risk, respectively).

Public Disclosure. The Washington Association of Sheriffs and Police Chiefs (WASPC) is required to create and maintain a statewide website to publish information about risk level II and III offenders, and in some circumstances, level I offenders.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Beyond information published on the website, public agencies are authorized to release information to the public regarding registered offenders when disclosure is relevant and necessary to protect the public and counteract the danger created by a particular offender. The extent of the public disclosure must be related to: the offender's risk level classification; the locations where the offender resides, expects to reside, or is regularly found; and the needs of the affected community members for information to enhance their individual and collective safety.

Agencies must consider certain guidelines in determining the extent of disclosure. For any registered offender, an agency must share information with other appropriate law enforcement agencies and any public or private school in which an offender is enrolled. An agency may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense, any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found, and any individual who requests information regarding a specific offender.

For an offender with a risk level II or III classification, an agency may also disclose relevant, necessary, and accurate information to public and private schools, child daycare centers, family daycare providers, public libraries, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found.

For an offender with a risk level III classification or who is homeless or transient, an agency may also disclose relevant, necessary, and accurate information to the public at large.

In *John Doe A v. Washington. State Patrol*, the Washington Supreme Court found that these provisions provide nonmandatory guidelines for proactive dissemination of records by public agencies, and that the registry laws do not prohibit a public agency from producing records in other circumstances, regardless of risk classification.

Summary of Bill:

Under the guidelines for disclosure of information regarding level I sex offenders, a public agency may disclose relevant, necessary, and accurate information regarding an offender with a risk level I classification to public and private schools, child day care centers, family daycare providers, public libraries, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.