
SUBSTITUTE SENATE BILL 5245

State of Washington

67th Legislature

2021 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Brown, Wilson, L., Rolfes, and Wagoner)

READ FIRST TIME 02/08/21.

1 AN ACT Relating to the safety of crime victims; and amending RCW
2 72.09.712.

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

4 **Sec. 1.** RCW 72.09.712 and 2019 c 46 s 5043 are each amended to
5 read as follows:

6 (1) At the earliest possible date, and in no event later than
7 thirty days before release except in the event of escape or emergency
8 furloughs as defined in RCW 72.66.010, the department of corrections
9 shall send written notice of parole, release, community custody, work
10 release placement, furlough, or escape about a specific inmate
11 convicted of a violent offense, a sex offense as defined by RCW
12 9.94A.030, a domestic violence court order violation pursuant to RCW
13 10.99.040, 10.99.050, 26.09.300, (~~(26.10.220,)~~) 26.26B.050,
14 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, a domestic violence
16 offense as defined by RCW 10.99.020, an assault in the third degree
17 offense as defined by RCW 9A.36.031, an unlawful imprisonment offense
18 as defined by RCW 9A.40.040, a vehicular homicide by disregard for
19 the safety of others offense as defined by RCW 46.61.520, or a
20 controlled substances homicide offense as defined by RCW 69.50.415,
21 to the following:

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

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

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

12 (2) The same notice as required by subsection (1) of this section
13 shall be sent to the following if such notice has been requested in
14 writing about a specific inmate convicted of a violent offense, a sex
15 offense as defined by RCW 9.94A.030, a domestic violence court order
16 violation pursuant to RCW 10.99.040, 10.99.050, 26.09.300,
17 (~~26.10.220,~~) 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, (~~or~~)
18 a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110,
19 a domestic violence offense as defined by RCW 10.99.020, an assault
20 in the third degree offense as defined by RCW 9A.36.031, an unlawful
21 imprisonment offense as defined by RCW 9A.40.040, a vehicular
22 homicide by disregard for the safety of others offense as defined by
23 RCW 46.61.520, or a controlled substances homicide offense as defined
24 by RCW 69.50.415:

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

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

29 (c) Any person specified in writing by the prosecuting attorney;
30 and

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

35 Information regarding victims, next of kin, or witnesses
36 requesting the notice, information regarding any other person
37 specified in writing by the prosecuting attorney to receive the
38 notice, and the notice are confidential and shall not be available to
39 the inmate. Whenever the department of corrections mails notice
40 pursuant to this subsection and the notice is returned as

1 undeliverable, the department shall attempt alternative methods of
2 notification, including a telephone call to the person's last known
3 telephone number.

4 (3) The existence of the notice requirements contained in
5 subsections (1) and (2) of this section shall not require an
6 extension of the release date in the event that the release plan
7 changes after notification.

8 (4) If an inmate convicted of a violent offense, a sex offense as
9 defined by RCW 9.94A.030, a domestic violence court order violation
10 pursuant to RCW 10.99.040, 10.99.050, 26.09.300, (~~(26.10.220,)~~)
11 26.26B.050, 26.50.110, 26.52.070, or 74.34.145, (~~(or)~~) a felony
12 harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a
13 domestic violence offense as defined by RCW 10.99.020, an assault in
14 the third degree offense as defined by RCW 9A.36.031, an unlawful
15 imprisonment offense as defined by RCW 9A.40.040, a vehicular
16 homicide by disregard for the safety of others offense as defined by
17 RCW 46.61.520, or a controlled substances homicide offense as defined
18 by RCW 69.50.415, escapes from a correctional facility, the
19 department of corrections shall immediately notify, by the most
20 reasonable and expedient means available, the chief of police of the
21 city and the sheriff of the county in which the inmate resided
22 immediately before the inmate's arrest and conviction. If previously
23 requested, the department shall also notify the witnesses and the
24 victim of the crime for which the inmate was convicted or the
25 victim's next of kin if the crime was a homicide. If the inmate is
26 recaptured, the department shall send notice to the persons
27 designated in this subsection as soon as possible but in no event
28 later than two working days after the department learns of such
29 recapture.

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

33 (6) The department of corrections shall send the notices required
34 by this chapter to the last address provided to the department by the
35 requesting party. The requesting party shall furnish the department
36 with a current address.

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

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

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

5 (8) For purposes of this section the following terms have the
6 following meanings:

7 (a) "Violent offense" means a violent offense under RCW
8 9.94A.030;

9 (b) "Next of kin" means a person's spouse, state registered
10 domestic partner, parents, siblings and children.

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

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