

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5245

Chapter 82, Laws of 2022

67th Legislature
2022 Regular Session

VICTIM AND WITNESS NOTIFICATION PROGRAM—MODIFICATION

EFFECTIVE DATE: July 1, 2022

Passed by the Senate March 7, 2022
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House March 1, 2022
Yeas 93 Nays 1

LURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 17, 2022 12:44 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5245** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 17, 2022

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5245

AS AMENDED BY THE HOUSE

Passed Legislature - 2022 Regular Session

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; amending RCW
2 72.09.712; adding a new section to chapter 36.28A RCW; adding a new
3 section to chapter 42.56 RCW; 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 2021 c 215 s 160 are each amended to
6 read 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 7.105.450, 10.99.040, 10.99.050, 26.09.300, ~~((26.10.220,))~~
15 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and
16 74.34.145, ~~((~~⊕~~))~~ a felony harassment offense as defined by RCW
17 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW
18 10.99.020, an assault in the third degree offense as defined by RCW
19 9A.36.031, an unlawful imprisonment offense as defined by RCW
20 9A.40.040, a vehicular homicide by disregard for the safety of others

1 offense as defined by RCW 46.61.520, or a controlled substances
2 homicide offense as defined by RCW 69.50.415, to the following:

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

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

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

14 (2) The same notice as required by subsection (1) of this section
15 shall be sent to the following if such notice has been requested in
16 writing about a specific inmate convicted of a violent offense, a sex
17 offense as defined by RCW 9.94A.030, a domestic violence court order
18 violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300,
19 (~~26.10.220,~~) 26.26B.050, or 26.52.070, or any of the former RCW
20 26.50.110 and 74.34.145, (~~or~~) a felony harassment offense as
21 defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as
22 defined by RCW 10.99.020, an assault in the third degree offense as
23 defined by RCW 9A.36.031, an unlawful imprisonment offense as defined
24 by RCW 9A.40.040, a vehicular homicide by disregard for the safety of
25 others offense as defined by RCW 46.61.520, or a controlled
26 substances homicide offense as defined by RCW 69.50.415:

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

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

31 (c) Any person specified in writing by the prosecuting attorney;
32 and

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

37 Information regarding victims, next of kin, or witnesses
38 requesting the notice, information regarding any other person
39 specified in writing by the prosecuting attorney to receive the
40 notice, and the notice are confidential and shall not be available to

1 the inmate. Whenever the department of corrections mails notice
2 pursuant to this subsection and the notice is returned as
3 undeliverable, the department shall attempt alternative methods of
4 notification, including a telephone call to the person's last known
5 telephone number.

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

10 (4) If an inmate convicted of a violent offense, a sex offense as
11 defined by RCW 9.94A.030, a domestic violence court order violation
12 pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300,
13 (~~26.10.220,~~) 26.26B.050, or 26.52.070, or any of the former RCW
14 26.50.110 and 74.34.145, (~~or~~) a felony harassment offense as
15 defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as
16 defined by RCW 10.99.020, an assault in the third degree offense as
17 defined by RCW 9A.36.031, an unlawful imprisonment offense as defined
18 by RCW 9A.40.040, a vehicular homicide by disregard for the safety of
19 others offense as defined by RCW 46.61.520, or a controlled
20 substances homicide offense as defined by RCW 69.50.415, escapes from
21 a correctional facility, the department of corrections shall
22 immediately notify, by the most reasonable and expedient means
23 available, the chief of police of the city and the sheriff of the
24 county in which the inmate resided immediately before the inmate's
25 arrest and conviction. If previously requested, the department shall
26 also notify the witnesses and the victim of the crime for which the
27 inmate was convicted or the victim's next of kin if the crime was a
28 homicide. If the inmate is recaptured, the department shall send
29 notice to the persons designated in this subsection as soon as
30 possible but in no event later than two working days after the
31 department learns of such recapture.

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

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

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

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

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

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

9 (a) "Violent offense" means a violent offense under RCW
10 9.94A.030;

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

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

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28A
18 RCW to read as follows:

19 Information and records prepared, owned, used, or retained by the
20 Washington association of sheriffs and police chiefs revealing the
21 existence of a notification, or of registration to be notified,
22 regarding any specific individual, or the identity of or any
23 information submitted by a person who registers to be notified of a
24 person's custody or supervision status, upcoming hearing, case
25 disposition, or service of a protection order pursuant to the
26 statewide city and county jail booking and reporting system created
27 in RCW 36.28A.040, the statewide automated victim information and
28 notification system created in RCW 36.28A.040, or any other program
29 used for the purposes of notifying individuals of a person's custody
30 or supervision status, upcoming hearing, case disposition, or service
31 of a protection order, are exempt from public inspection and copying
32 under chapter 42.56 RCW.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.56
34 RCW to read as follows:

35 Information and records related to notification or registration
36 for notification as described in section 2 of this act are exempt
37 from disclosure under this chapter.

1 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2022.

Passed by the Senate March 7, 2022.

Passed by the House March 1, 2022.

Approved by the Governor March 17, 2022.

Filed in Office of Secretary of State March 17, 2022.

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