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## Community Safety, Justice, & Reentry Committee

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### SSB 5081

**Brief Description:** Concerning victim notification.

**Sponsors:** Senate Committee on Human Services (originally sponsored by Senators Nobles, Trudeau, Dhingra, Frame, Hasegawa, Keiser, Lovick, Nguyen, Saldaña, Salomon, Shewmake, Stanford, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.; by request of Department of Corrections).

#### Brief Summary of Substitute Bill

- Expands the crimes that require the Department of Corrections to provide notification to victims and witnesses when certain incarcerated individuals are released.
- Exempts victim and witness notifications from public disclosure under the Public Records Act.

**Hearing Date:** 3/9/23

**Staff:** Martha Wehling (786-7067).

#### **Background:**

##### Notification of Inmate Release.

*Notification to Law Enforcement.* The Department of Corrections (DOC) is required to provide law enforcement with notice at least 30 days before the release of certain incarcerated individuals. Notification must be provided when an incarcerated individual will be released from custody for parole, release, community custody, work release placement, furlough, or escape. The notification is required when an incarcerated individual is in custody for certain crimes,

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including violent, sex, domestic violence, felony harassment, third degree assault, unlawful imprisonment, vehicular homicide, or controlled substances homicide. The DOC must notify the Chief of Police and the County Sheriff where the incarcerated individual will reside or work after release. The DOC must also notify Washington State Patrol when an individual convicted of a sex offense will be released.

*Notification to Victims, Witnesses, and Next of Kin.* The DOC must provide certain victims, witnesses, and next of kin with a statement of the right to request and receive notification when an incarcerated individual is released from custody. If the victim, witness, or next of kin makes a written request to be notified, the DOC must notify those individuals about the incarcerated individual's release. Individuals who may request notification include the victim of the crime, the next of kin for homicides, witnesses who testified against the incarcerated individual, individuals identified by the prosecuting attorney, and any person who requests notice for an individual sex offender. The victim and witness notifications or information about those individuals is considered confidential.

Victim, witness, and next of kin notification are available for:

- certain violent offenses;
- certain sex offenses;
- certain domestic violence court orders;
- certain orders for domestic violence prevention or vulnerable adult abuse; and
- certain felony harassment crimes and stalking.

The DOC is required to send the notification to the last address provided by the requestor, and for two years, must keep records related to proof of registration in a victim or witness notification program and any notification sent to the requestor. It is the victim, witness, or next of kin's obligation to furnish current contact information to the DOC. For witnesses who are younger than 16, notice is sent to the witnesses' parent or legal guardian. If the notice is returned as undeliverable, the DOC must use an alternative method to attempt to contact the requestor, including a telephone call.

*Notification for Drug Offenses.* For serious drug offenses, the DOC must provide 10 days' notice before release for parole, community custody, work release placement, furlough, or escape. Notification must be provided to witnesses who testified against the incarcerated individual and individuals identified by the prosecuting attorney. A "serious drug offense" relates to certain narcotic drugs or flunitrazepam, amphetamine or methamphetamine, or counterfeits.

*Notification of Escape.* If an incarcerated individual escapes, the DOC is required to notify the Chief of Police and the County Sheriff where the incarcerated individual resided prior to incarceration. The DOC must also notify victims or witnesses who requested notification. If the incarcerated individual is recaptured, the DOC must provide notification of recapture within two days.

Public Records Act.

The Public Records Act applies to all state and local agencies, including the Department of Corrections. A person may request a "public record" from an agency. A "public record" is a writing containing information relating to the conduct of government or the performance of any governmental or proprietary function that is prepared, owned, used, or retained by any state or local agency. Certain information and records are exempt from disclosure under the Public Records Act. The Public Records Act requires agencies to produce written records upon request, unless a specific exemption applies. Exemptions are construed narrowly to effectuate the general policy in favor of disclosure.

**Summary of Bill:**

The Department of Corrections' victim and witness notifications and associated records are exempt from public disclosure under the Public Records Act.

The crimes for which notification is required are expanded to include:

- domestic violence;
- third degree assault;
- unlawful imprisonment;
- vehicular homicide by disregard for the safety of others; and
- controlled substances homicide.

**Appropriation:** None.

**Fiscal Note:** Available.

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