

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5081

Chapter 391, Laws of 2023

68th Legislature
2023 Regular Session

VICTIM AND WITNESS NOTIFICATION PROGRAM—ELIGIBLE OFFENSES AND PUBLIC
RECORDS ACT EXEMPTION

EFFECTIVE DATE: July 23, 2023

Passed by the Senate April 13, 2023
Yeas 47 Nays 0

DENNY HECK

President of the Senate

Passed by the House April 5, 2023
Yeas 98 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 9, 2023 2:24 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 **SUBSTITUTE SENATE BILL 5081** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 10, 2023

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5081

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

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

READ FIRST TIME 01/18/23.

1 AN ACT Relating to victim notification; amending RCW 72.09.712,
2 72.09.710, and 72.09.714; and adding a new section to chapter 42.56
3 RCW.

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

5 **Sec. 1.** RCW 72.09.712 and 2022 c 82 s 1 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 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070,
15 or any of the former RCW 26.50.110 and 74.34.145, a felony harassment
16 offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence
17 offense as defined by RCW 10.99.020, an assault in the third degree
18 offense as defined by RCW 9A.36.031, an unlawful imprisonment offense
19 as defined by RCW 9A.40.040, a custodial interference in the first
20 degree offense as defined by RCW 9A.40.060, a luring offense as
21 defined by RCW 9A.40.090, a coercion into involuntary servitude

1 offense as defined by RCW 9A.40.110, a criminal gang intimidation
2 offense as defined by RCW 9A.46.120, an intimidating a public servant
3 offense as defined by RCW 9A.76.180, an intimidation or harassment
4 with an explosive offense as defined by RCW 70.74.275, a vehicular
5 homicide by disregard for the safety of others offense as defined by
6 RCW 46.61.520, or a controlled substances homicide offense as defined
7 by RCW 69.50.415, to the following:

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

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

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

19 (2) The same notice as required by subsection (1) of this section
20 shall be sent to the following if such notice has been requested in
21 writing about a specific inmate convicted of a violent offense, a sex
22 offense as defined by RCW 9.94A.030, a domestic violence court order
23 violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300,
24 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and
25 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or
26 9A.46.110, a domestic violence offense as defined by RCW 10.99.020,
27 an assault in the third degree offense as defined by RCW 9A.36.031,
28 an unlawful imprisonment offense as defined by RCW 9A.40.040, a
29 custodial interference in the first degree offense as defined by RCW
30 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion
31 into involuntary servitude offense as defined by RCW 9A.40.110, a
32 criminal gang intimidation offense as defined by RCW 9A.46.120, an
33 intimidating a public servant offense as defined by RCW 9A.76.180, an
34 intimidation or harassment with an explosive offense as defined by
35 RCW 70.74.275, a vehicular homicide by disregard for the safety of
36 others offense as defined by RCW 46.61.520, or a controlled
37 substances homicide offense as defined by RCW 69.50.415:

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

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

3 (c) Any person specified in writing by the prosecuting attorney;
4 and

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

9 Information regarding victims, next of kin, or witnesses
10 requesting the notice, information regarding any other person
11 specified in writing by the prosecuting attorney to receive the
12 notice, and the notice are confidential and shall not be available to
13 the inmate. Whenever the department of corrections mails notice
14 pursuant to this subsection and the notice is returned as
15 undeliverable, the department shall attempt alternative methods of
16 notification, including a telephone call to the person's last known
17 telephone number.

18 (3) The existence of the notice requirements contained in
19 subsections (1) and (2) of this section shall not require an
20 extension of the release date in the event that the release plan
21 changes after notification.

22 (4) If an inmate convicted of a violent offense, a sex offense as
23 defined by RCW 9.94A.030, a domestic violence court order violation
24 pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300,
25 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and
26 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or
27 9A.46.110, a domestic violence offense as defined by RCW 10.99.020,
28 an assault in the third degree offense as defined by RCW 9A.36.031,
29 an unlawful imprisonment offense as defined by RCW 9A.40.040, a
30 custodial interference in the first degree offense as defined by RCW
31 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion
32 into involuntary servitude offense as defined by RCW 9A.40.110, a
33 criminal gang intimidation offense as defined by RCW 9A.46.120, an
34 intimidating a public servant offense as defined by RCW 9A.76.180, an
35 intimidation or harassment with an explosive offense as defined by
36 RCW 70.74.275, a vehicular homicide by disregard for the safety of
37 others offense as defined by RCW 46.61.520, or a controlled
38 substances homicide offense as defined by RCW 69.50.415, escapes from
39 a correctional facility, the department of corrections shall
40 immediately notify, by the most reasonable and expedient means

1 available, the chief of police of the city and the sheriff of the
2 county in which the inmate resided immediately before the inmate's
3 arrest and conviction. If previously requested, the department shall
4 also notify the witnesses and the victim of the crime for which the
5 inmate was convicted or the victim's next of kin if the crime was a
6 homicide. If the inmate is recaptured, the department shall send
7 notice to the persons designated in this subsection as soon as
8 possible but in no event later than two working days after the
9 department learns of such recapture.

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

13 (6) The department of corrections shall send the notices required
14 by this chapter to the last address provided to the department by the
15 requesting party. The requesting party shall furnish the department
16 with a current address.

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

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

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

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

27 (a) "Violent offense" means a violent offense under RCW
28 9.94A.030;

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

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

35 (10) Information and records prepared, owned, used, or retained
36 by the department of corrections that reveal any notification or
37 request for notification regarding any specific individual, or that
38 reveal the identity, location of, or any information submitted by a
39 person who requests or is invited to enroll for notification under

1 subsection (2) of this section, are exempt from public inspection and
2 copying under chapter 42.56 RCW.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.56
4 RCW to read as follows:

5 Information and records prepared, owned, used, or retained by the
6 department of corrections that reveal any notification or request for
7 notification regarding any specific individual, or that reveal the
8 identity, location of, or any information submitted by a person who
9 requests or is invited to enroll for notification under RCW
10 72.09.712(2) or 72.09.710(1), are exempt from public inspection and
11 copying under this chapter.

12 **Sec. 3.** RCW 72.09.710 and 2008 c 231 s 26 are each amended to
13 read as follows:

14 (1) At the earliest possible date, and in no event later than ten
15 days before release except in the event of escape or emergency
16 furloughs as defined in RCW 72.66.010, the department of corrections
17 shall send written notice of parole, community custody, work release
18 placement, furlough, or escape about a specific inmate convicted of a
19 serious drug offense to the following if such notice has been
20 requested in writing about a specific inmate convicted of a serious
21 drug offense:

22 (a) Any witnesses who testified against the inmate in any court
23 proceedings involving the serious drug offense; and

24 (b) Any person specified in writing by the prosecuting attorney.
25 Information regarding witnesses requesting the notice, information
26 regarding any other person specified in writing by the prosecuting
27 attorney to receive the notice, and the notice are confidential and
28 shall not be available to the inmate.

29 (2) If an inmate convicted of a serious drug offense escapes from
30 a correctional facility, the department of corrections shall
31 immediately notify, by the most reasonable and expedient means
32 available, the chief of police of the city and the sheriff of the
33 county in which the inmate resided immediately before the inmate's
34 arrest and conviction. If previously requested, the department shall
35 also notify the witnesses who are entitled to notice under this
36 section. If the inmate is recaptured, the department shall send
37 notice to the persons designated in this subsection as soon as

1 possible but in no event later than two working days after the
2 department learns of such recapture.

3 (3) If any witness is under the age of sixteen, the notice
4 required by this section shall be sent to the parents or legal
5 guardian of the child.

6 (4) The department of corrections shall send the notices required
7 by this section to the last address provided to the department by the
8 requesting party. The requesting party shall furnish the department
9 with a current address.

10 (5) For purposes of this section, "serious drug offense" means an
11 offense under RCW 69.50.401(2) (a) or (b) or 69.50.4011(2) (a) or
12 (b).

13 (6) Information and records prepared, owned, used, or retained by
14 the department of corrections that reveal any notification or request
15 for notification regarding any specific individual, or that reveal
16 the identity, location of, or any information submitted by a person
17 who requests or is invited to enroll for notification under
18 subsection (1) of this section, are exempt from public inspection and
19 copying under chapter 42.56 RCW.

20 **Sec. 4.** RCW 72.09.714 and 2021 c 215 s 161 are each amended to
21 read as follows:

22 The department of corrections shall provide the victims,
23 witnesses, and next of kin in the case of a homicide and victims and
24 witnesses involved in violent offense cases, sex offenses as defined
25 by RCW 9.94A.030, a domestic violence court order violation pursuant
26 to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.10.220,
27 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and
28 74.34.145, ~~((~~or~~))~~ a felony harassment pursuant to RCW 9A.46.060 or
29 9A.46.110, a domestic violence offense as defined in RCW 10.99.020,
30 an assault in the third degree offense under RCW 9A.36.031, an
31 unlawful imprisonment offense under RCW 9A.40.040, a custodial
32 interference in the first degree offense as defined by RCW 9A.40.060,
33 a luring offense as defined by RCW 9A.40.090, a coercion into
34 involuntary servitude offense as defined by RCW 9A.40.110, a criminal
35 gang intimidation offense as defined by RCW 9A.46.120, an
36 intimidating a public servant offense as defined by RCW 9A.76.180, an
37 intimidation or harassment with an explosive offense as defined by
38 RCW 70.74.275, a vehicular homicide by disregard for the safety of
39 others offense under RCW 46.61.520, or a controlled substances

1 homicide offense under RCW 69.50.415, a statement of the rights of
2 victims and witnesses to request and receive notification under RCW
3 72.09.712 and 72.09.716.

Passed by the Senate April 13, 2023.

Passed by the House April 5, 2023.

Approved by the Governor May 9, 2023.

Filed in Office of Secretary of State May 10, 2023.

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