

2 SHB 2316 - S COMM AMD

3 By Committee on Human Services & Corrections

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 4.24.550 and 1997 c 364 s 1 and 1997 c 113 s 2 are
8 each reenacted and amended to read as follows:

9 (1) Public agencies are authorized to release information to the
10 public regarding sex offenders and kidnapping offenders when the agency
11 determines that ((~~disclosure~~)) release of the information is relevant
12 and necessary to protect the public and counteract the danger created
13 by the particular offender. This authorization applies to information
14 regarding: (a) Any person adjudicated or convicted of a sex offense as
15 defined in RCW ((~~9.94A.030~~)) 9A.44.130 or a kidnapping offense as
16 defined in RCW 9A.44.130; (b) any person under the jurisdiction of the
17 indeterminate sentence review board as the result of a sex offense or
18 kidnapping offense; (c) any person committed as a sexually violent
19 predator under chapter 71.09 RCW or as a sexual psychopath under
20 chapter 71.06 RCW; (d) any person found not guilty of a sex offense or
21 kidnapping offense by reason of insanity under chapter 10.77 RCW; and
22 (e) any person found incompetent to stand trial for a sex offense or
23 kidnapping offense and subsequently committed under chapter 71.05 or
24 71.34 RCW.

25 (2) The extent of the public ((~~disclosure~~)) release of relevant and
26 necessary information shall be rationally related to: (a) The level of
27 risk posed by the offender to the community; (b) the locations where
28 the offender resides, expects to reside, or is regularly found; and (c)
29 the needs of the affected community members for information to enhance
30 their individual and collective safety.

31 (3) Local law enforcement agencies shall consider the following
32 guidelines in determining the extent of a public ((~~disclosure~~)) release
33 of information made under this section: (a) For offenders classified
34 as risk level I, the agency shall share information with other
35 appropriate law enforcement agencies and may ((~~disclose~~)) release, upon
36 request, relevant, necessary, and accurate information to any victim or

1 witness to the offense and to any individual community member who lives
2 near the residence where the offender resides, expects to reside, or is
3 regularly found; (b) for offenders classified as risk level II, the
4 agency may also (~~disclose~~) release relevant, necessary, and accurate
5 information to public and private schools, child day care centers,
6 family day care providers, businesses and organizations that serve
7 primarily children, women, or vulnerable adults, and neighbors and
8 community groups near the residence where the offender resides, expects
9 to reside, or is regularly found; and (c) for offenders classified as
10 risk level III, the agency may also (~~disclose~~) release relevant,
11 necessary, and accurate information to the public at large.

12 (4) Local law enforcement agencies that (~~disseminate~~) release
13 information pursuant to this section shall: (a) Review available risk
14 level classifications made by the department of corrections, the
15 department of social and health services, and the indeterminate
16 sentence review board; (b) assign risk level classifications to all sex
17 offenders about whom information will be (~~disseminated~~) released; and
18 (c) make a good faith effort to notify the public and residents at
19 least fourteen days before (~~the~~) a sex offender or kidnapping
20 offender is released from confinement or, where an offender moves from
21 another jurisdiction, as soon as possible after the agency learns of
22 the offender's move, except that in no case may this notification
23 provision be construed to require an extension of an offender's release
24 date.

25 (5) An appointed or elected public official, public employee, or
26 public agency as defined in RCW 4.24.470 is immune from civil liability
27 for damages for any discretionary risk level classification decisions
28 or release of relevant and necessary information, unless it is shown
29 that the official, employee, or agency acted with gross negligence or
30 in bad faith. The immunity in this section applies to risk level
31 classification decisions and the release of relevant and necessary
32 information regarding any individual for whom (~~disclosure~~) release of
33 information is authorized. The decision of a local law enforcement
34 agency or official to classify a sex offender to a risk level other
35 than the one assigned by the department of corrections, the department
36 of social and health services, or the indeterminate sentence review
37 board, or the release of any relevant and necessary information based
38 on that different classification shall not, by itself, be considered
39 gross negligence or bad faith. The immunity provided under this

1 section applies to the release of relevant and necessary information to
2 other public officials, public employees, or public agencies, and to
3 the general public.

4 (6) Except as may otherwise be provided by law, nothing in this
5 section shall impose any liability upon a public official, public
6 employee, or public agency for failing to release information
7 authorized under this section.

8 (7) Nothing in this section implies that information regarding
9 persons designated in subsection (1) of this section is confidential
10 except as may otherwise be provided by law. Nothing in this section
11 shall relieve any public agency of the duty to disclose public records
12 otherwise disclosable under chapter 42.17 RCW, chapter 10.97 RCW, or
13 any other provision of law.

14 (8) When a local law enforcement agency or official classifies a
15 sex offender differently than the offender is classified by the
16 department of corrections, the department of social and health
17 services, or the indeterminate sentence review board, the law
18 enforcement agency or official shall notify the appropriate department
19 or the board and submit its reasons supporting the change in
20 classification.

21 **Sec. 2.** RCW 70.48.470 and 1997 c 364 s 3 and 1997 c 113 s 7 are
22 each reenacted and amended to read as follows:

23 (1) A person having charge of a jail shall notify in writing any
24 confined person who is in the custody of the jail for a conviction of
25 a sex offense or kidnapping offense as defined in RCW 9A.44.130 of the
26 registration requirements of RCW 9A.44.130 at the time of the inmate's
27 release from confinement, and shall obtain written acknowledgment of
28 such notification. The person shall also obtain from the inmate the
29 ~~((county of the inmate's residence upon release from jail and, where~~
30 ~~applicable, the city))~~ following information: (a) Name; (b) address;
31 (c) date and place of birth; (d) place of employment; (e) crime for
32 which convicted; (f) date and place of conviction; (g) aliases used;
33 and (h) social security number.

34 (2) The chief law enforcement officer of the jail or his or her
35 designee that has jurisdiction over the offender shall: (a) Provide
36 notice to the offender of the duty to register; and (b) for sex
37 offenders released on or after July 31, 1998, inform offenders of their
38 classified sex offender risk level.

1 (3) When a sex offender or kidnapping offender under local
2 government jurisdiction will reside in a county other than the county
3 of conviction upon discharge or release, the chief law enforcement
4 officer of the jail or his or her designee shall give notice of the
5 inmate's discharge or release to the sheriff of the county and, where
6 applicable, to the police chief of the city where the offender will
7 reside.

8 **Sec. 3.** RCW 9A.44.135 and 1995 c 248 s 3 are each amended to read
9 as follows:

10 When a sex offender registers with the county sheriff pursuant to
11 RCW 9A.44.130, the county sheriff shall notify the chief law
12 enforcement officer of the jurisdiction in which the offender has
13 registered to live. The chief of police, sheriff, or town marshal
14 shall make reasonable attempts to verify that the sex offender is
15 residing at the registered address. Reasonable attempts at verifying
16 an address shall include at a minimum sending certified mail, with
17 return receipt requested, to the sex offender at the registered
18 address, and if the return receipt is not signed by the sex offender,
19 talking in person with the residents living at the address. The
20 sheriff, chief of police, or town marshal shall make reasonable
21 attempts to locate any sex offender who cannot be located at the
22 registered address."

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26 On page 1, line 2 of the title, after "offenders;" strike the
27 remainder of the title and insert "amending RCW 9A.44.135; and
28 reenacting and amending RCW 4.24.550 and 70.48.470."

29 EFFECT: The amendment restores the original disclosure and release
30 language with regard to level I & level II offenders. It strikes the
31 provisions in the substitute relating to public disclosure statutes and
32 replaces them with a clarifying provision in current subsection (7)
33 that tells public agencies that nothing in this section relieves them

1 of a duty to disclose what would otherwise be disclosable under other
2 law.

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