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**SUBSTITUTE HOUSE BILL 2316**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Ballasiotes, Scott, Sheahan and McDonald)

Read first time 01/28/98. Referred to Committee on .

1 AN ACT Relating to release of information about sex offenders and  
2 kidnapping offenders; amending RCW 9A.44.135; and reenacting and  
3 amending RCW 4.24.550 and 70.48.470.

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

5 **Sec. 1.** RCW 4.24.550 and 1997 c 364 s 1 and 1997 c 113 s 2 are  
6 each reenacted and amended to read as follows:

7 (1) Public agencies shall disclose information to the public  
8 regarding sex offenders and kidnappers when the agency receives a  
9 public records request pursuant to chapter 42.17 RCW. Public agencies  
10 are authorized to ((release)) disseminate information to the public  
11 regarding sex offenders and kidnapping offenders when the agency  
12 determines that ((disclosure)) dissemination of the information is  
13 relevant and necessary to protect the public and counteract the danger  
14 created by the particular offender. This authorization applies to  
15 information regarding: (a) Any person adjudicated or convicted of a  
16 sex offense as defined in RCW ((9.94A.030)) 9A.44.130 or a kidnapping  
17 offense as defined in RCW 9A.44.130; (b) any person under the  
18 jurisdiction of the indeterminate sentence review board as the result  
19 of a sex offense or kidnapping offense; (c) any person committed as a

1 sexually violent predator under chapter 71.09 RCW or as a sexual  
2 psychopath under chapter 71.06 RCW; (d) any person found not guilty of  
3 a sex offense or kidnapping offense by reason of insanity under chapter  
4 10.77 RCW; and (e) any person found incompetent to stand trial for a  
5 sex offense or kidnapping offense and subsequently committed under  
6 chapter 71.05 or 71.34 RCW.

7 (2) The extent of the public (~~disclosure~~) dissemination of  
8 relevant and necessary information shall be rationally related to: (a)  
9 The level of risk posed by the offender to the community; (b) the  
10 locations where the offender resides, expects to reside, or is  
11 regularly found; and (c) the needs of the affected community members  
12 for information to enhance their individual and collective safety.

13 (3) Local law enforcement agencies shall consider the following  
14 guidelines in determining the extent of a public (~~disclosure~~)  
15 dissemination made under this section: (a) For offenders classified as  
16 risk level I, the agency shall share information with other appropriate  
17 law enforcement agencies and may (~~disclose, upon request,~~)  
18 disseminate relevant, necessary, and accurate information to any victim  
19 or witness to the offense and to any individual community member who  
20 lives near the residence where the offender resides, expects to reside,  
21 or is regularly found; (b) for offenders classified as risk level II,  
22 the agency may also (~~disclose~~) disseminate relevant, necessary, and  
23 accurate information to public and private schools, child day care  
24 centers, family day care providers, businesses and organizations that  
25 serve primarily children, women, or vulnerable adults, and neighbors  
26 and community groups near the residence where the offender resides,  
27 expects to reside, or is regularly found; and (c) for offenders  
28 classified as risk level III, the agency may also (~~disclose~~)  
29 disseminate relevant, necessary, and accurate information to the public  
30 at large.

31 (4) Local law enforcement agencies that disseminate information  
32 pursuant to this section shall: (a) Review available risk level  
33 classifications made by the department of corrections, the department  
34 of social and health services, and the indeterminate sentence review  
35 board; (b) assign risk level classifications to all sex offenders about  
36 whom information will be disseminated; and (c) make a good faith effort  
37 to notify the public and residents at least fourteen days before  
38 (~~the~~) a sex offender or kidnapping offender is released from  
39 confinement or, where an offender moves from another jurisdiction, as

1 soon as possible after the agency learns of the offender's move, except  
2 that in no case may this notification provision be construed to require  
3 an extension of an offender's release date.

4 (5) An appointed or elected public official, public employee, or  
5 public agency as defined in RCW 4.24.470 is immune from civil liability  
6 for damages for any discretionary risk level classification decisions  
7 or release of relevant and necessary information, unless it is shown  
8 that the official, employee, or agency acted with gross negligence or  
9 in bad faith. The immunity in this section applies to risk level  
10 classification decisions and the release of relevant and necessary  
11 information regarding any individual for whom ~~((disclosure))~~  
12 dissemination is authorized. The decision of a local law enforcement  
13 agency or official to classify a sex offender to a risk level other  
14 than the one assigned by the department of corrections, the department  
15 of social and health services, or the indeterminate sentence review  
16 board, or the release of any relevant and necessary information based  
17 on that different classification shall not, by itself, be considered  
18 gross negligence or bad faith. The immunity provided under this  
19 section applies to the release of relevant and necessary information to  
20 other public officials, public employees, or public agencies, and to  
21 the general public.

22 (6) Except as may otherwise be provided by law, nothing in this  
23 section shall impose any liability upon a public official, public  
24 employee, or public agency for failing to ~~((release))~~ disseminate  
25 information authorized under this section.

26 (7) Information regarding persons designated in subsection (1) of  
27 this section is a public record that is disclosable pursuant to chapter  
28 42.17 RCW.

29 (8) Nothing in this section implies that information regarding  
30 persons designated in subsection (1) of this section is confidential  
31 except as may otherwise be provided by law.

32 ~~((+8))~~ (9) When a local law enforcement agency or official  
33 classifies a sex offender differently than the offender is classified  
34 by the department of corrections, the department of social and health  
35 services, or the indeterminate sentence review board, the law  
36 enforcement agency or official shall notify the appropriate department  
37 or the board and submit its reasons supporting the change in  
38 classification.

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

3       (1) A person having charge of a jail shall notify in writing any  
4 confined person who is in the custody of the jail for a conviction of  
5 a sex offense or kidnapping offense as defined in RCW 9A.44.130 of the  
6 registration requirements of RCW 9A.44.130 at the time of the inmate's  
7 release from confinement, and shall obtain written acknowledgment of  
8 such notification. The person shall also obtain from the inmate the  
9 ~~((county of the inmate's residence upon release from jail and, where~~  
10 ~~applicable, the city)) following information: (a) Name; (b) address;  
11 (c) date and place of birth; (d) place of employment; (e) crime for  
12 which convicted; (f) date and place of conviction; (g) aliases used;  
13 and (h) social security number.~~

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

19       (3) When a sex offender or kidnapping offender under local  
20 government jurisdiction will reside in a county other than the county  
21 of conviction upon discharge or release, the chief law enforcement  
22 officer of the jail or his or her designee shall give notice of the  
23 inmate's discharge or release to the sheriff of the county and, where  
24 applicable, to the police chief of the city where the offender will  
25 reside.

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

28       When a sex offender registers with the county sheriff pursuant to  
29 RCW 9A.44.130, the county sheriff shall notify the chief law  
30 enforcement officer of the jurisdiction in which the offender has  
31 registered to live. The chief of police, sheriff, or town marshal  
32 shall make reasonable attempts to verify that the sex offender is  
33 residing at the registered address. Reasonable attempts at verifying  
34 an address shall include at a minimum sending certified mail, with  
35 return receipt requested, to the sex offender at the registered  
36 address, and if the return receipt is not signed by the sex offender,  
37 talking in person with the residents living at the address. The  
38 sheriff, chief of police, or town marshal shall make reasonable

1 attempts to locate any sex offender who cannot be located at the  
2 registered address.

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