
HOUSE BILL 2316

State of Washington

55th Legislature

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By Representatives Ballasiotes, Scott, Sheahan and McDonald

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1 AN ACT Relating to release of information about sex offenders and
2 kidnapping offenders; and reenacting and amending RCW 4.24.550 and
3 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 are authorized to release information to the
8 public regarding sex offenders and kidnapping offenders when the agency
9 determines that disclosure of the information is relevant and necessary
10 to protect the public and counteract the danger created by the
11 particular offender. This authorization applies to information
12 regarding: (a) Any person adjudicated or convicted of a sex offense as
13 defined in RCW ((~~9.94A.030~~)) 9A.44.130 or a kidnapping offense as
14 defined in RCW 9A.44.130; (b) any person under the jurisdiction of the
15 indeterminate sentence review board as the result of a sex offense or
16 kidnapping offense; (c) any person committed as a sexually violent
17 predator under chapter 71.09 RCW or as a sexual psychopath under
18 chapter 71.06 RCW; (d) any person found not guilty of a sex offense or
19 kidnapping offense by reason of insanity under chapter 10.77 RCW; and

1 (e) any person found incompetent to stand trial for a sex offense or
2 kidnapping offense and subsequently committed under chapter 71.05 or
3 71.34 RCW.

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

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

26 (4) Local law enforcement agencies that disseminate information
27 pursuant to this section shall: (a) Review available risk level
28 classifications made by the department of corrections, the department
29 of social and health services, and the indeterminate sentence review
30 board; (b) assign risk level classifications to all sex offenders about
31 whom information will be disseminated; and (c) make a good faith effort
32 to notify the public and residents at least fourteen days before
33 ((the)) a sex offender or kidnapping offender is released from
34 confinement or, where an offender moves from another jurisdiction, as
35 soon as possible after the agency learns of the offender's move, except
36 that in no case may this notification provision be construed to require
37 an extension of an offender's release date.

38 (5) An appointed or elected public official, public employee, or
39 public agency as defined in RCW 4.24.470 is immune from civil liability

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

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

21 (7) Nothing in this section implies that information regarding
22 persons designated in subsection (1) of this section is confidential
23 except as may otherwise be provided by law.

24 (8) When a local law enforcement agency or official classifies a
25 sex offender differently than the offender is classified by the
26 department of corrections, the department of social and health
27 services, or the indeterminate sentence review board, the law
28 enforcement agency or official shall notify the appropriate department
29 or the board and submit its reasons supporting the change in
30 classification.

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

33 (1) A person having charge of a jail shall notify in writing any
34 confined person who is in the custody of the jail for a conviction of
35 a sex offense or kidnapping offense as defined in RCW 9A.44.130 of the
36 registration requirements of RCW 9A.44.130 at the time of the inmate's
37 release from confinement, and shall obtain written acknowledgment of
38 such notification. The person shall also obtain from the inmate the

1 (~~county of the inmate's residence upon release from jail and, where~~
2 ~~applicable, the city~~) following information: (a) Name; (b) address;
3 (c) date and place of birth; (d) place of employment; (e) crime for
4 which convicted; (f) date and place of conviction; (g) aliases used;
5 and (h) social security number.

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

11 (3) When a sex offender or kidnapping offender under local
12 government jurisdiction will reside in a county other than the county
13 of conviction upon discharge or release, the chief law enforcement
14 officer of the jail or his or her designee shall give notice of the
15 inmate's discharge or release to the sheriff of the county and, where
16 applicable, to the police chief of the city where the offender will
17 reside.

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