
HOUSE BILL 2482

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By Representatives Veloria, Ballasiotes, Conway, Dunn, O'Brien,
D. Sommers, Crouse, Cairnes, Hurst, Santos and Kenney

Read first time 01/14/2000. Referred to Committee on Criminal Justice
& Corrections.

1 AN ACT Relating to the release of sex offenders; and amending RCW
2 4.24.550 and 72.09.340.

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

4 **Sec. 1.** RCW 4.24.550 and 1998 c 220 s 6 are each amended to read
5 as follows:

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

1 incompetent to stand trial for a sex offense or kidnapping offense and
2 subsequently committed under chapter 71.05 or 71.34 RCW.

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

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

25 (4) Local law enforcement agencies that disseminate information
26 pursuant to this section shall: (a) Review available risk level
27 classifications made by the department of corrections, the department
28 of social and health services, and the indeterminate sentence review
29 board; (b) assign risk level classifications to all offenders about
30 whom information will be disseminated; and (c) make a good faith effort
31 to notify the public and residents at least fourteen days before the
32 offender is released from confinement or, where an offender moves from
33 another jurisdiction, or moves after notification is made under
34 subsection (5) of this section, as soon as possible after the agency
35 learns of the offender's move, except that in no case may this
36 notification provision be construed to require an extension of an
37 offender's release date. The juvenile court shall provide local law
38 enforcement officials with all relevant information on offenders
39 allowed to remain in the community in a timely manner.

1 (5) The department of corrections is responsible for public
2 notification under this section with respect to an offender classified
3 as level II or III who is being released from a state correctional
4 facility. The department of social and health services is responsible
5 for public notification under this section with respect to an offender
6 classified as level II or III who is being released from a juvenile
7 rehabilitation administration facility. In carrying out such
8 notification, the agencies shall follow the guidelines set forth in
9 subsection (3) of this section and shall make a good faith effort to
10 accomplish such notification at least fourteen days before the offender
11 is released from confinement. In no case may this notification
12 provision be construed to require an extension of an offender's release
13 date.

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

32 (~~(6)~~) (7) Except as may otherwise be provided by law, nothing in
33 this section shall impose any liability upon a public official, public
34 employee, or public agency for failing to release information
35 authorized under this section.

36 (~~(7)~~) (8) Nothing in this section implies that information
37 regarding persons designated in subsection (1) of this section is
38 confidential except as may otherwise be provided by law.

1 (~~(8)~~) (9) When a local law enforcement agency or official
2 classifies an offender differently than the offender is classified by
3 the department of corrections, the department of social and health
4 services, or the indeterminate sentence review board, the law
5 enforcement agency or official shall notify the appropriate department
6 or the board and submit its reasons supporting the change in
7 classification.

8 **Sec. 2.** RCW 72.09.340 and 1996 c 215 s 3 are each amended to read
9 as follows:

10 (1) In making all discretionary decisions regarding release plans
11 for and supervision of sex offenders, the department shall set
12 priorities and make decisions based on an assessment of public safety
13 risks. In approving residence locations for level II and III sex
14 offenders, the department shall take into consideration the proximity
15 of the residence locations of other level II and III sex offenders,
16 with the intention of limiting the number of such offenders living in
17 any one area.

18 (2) The department shall, no later than September 1, 1996,
19 implement a policy governing the department's evaluation and approval
20 of release plans for sex offenders. The policy shall include, at a
21 minimum, a formal process by which victims, witnesses, and other
22 interested people may provide information and comments to the
23 department on potential safety risks to specific individuals or classes
24 of individuals posed by a specific sex offender. The department shall
25 make all reasonable efforts to publicize the availability of this
26 process through currently existing mechanisms and shall seek the
27 assistance of courts, prosecutors, law enforcement, and victims'
28 advocacy groups in doing so. Notice of an offender's proposed
29 residence shall be provided to all people registered to receive notice
30 of an offender's release under RCW 9.94A.155(2), except that in no case
31 may this notification requirement be construed to require an extension
32 of an offender's release date.

33 (3) For any offender convicted of a felony sex offense against a
34 minor victim after June 6, 1996, the department shall not approve a
35 residence location if the proposed residence: (a) Includes a minor
36 victim or child of similar age or circumstance as a previous victim who
37 the department determines may be put at substantial risk of harm by the
38 offender's residence in the household; or (b) is within close proximity

1 of the current residence of a minor victim, unless the whereabouts of
2 the minor victim cannot be determined or unless such a restriction
3 would impede family reunification efforts ordered by the court or
4 directed by the department of social and health services. The
5 department is further authorized to reject a residence location if the
6 proposed residence is within close proximity to schools, child care
7 centers, playgrounds, or other grounds or facilities where children of
8 similar age or circumstance as a previous victim are present who the
9 department determines may be put at substantial risk of harm by the sex
10 offender's residence at that location.

11 (4) When the department requires supervised visitation as a term or
12 condition of a sex offender's community placement under RCW
13 9.94A.120(9)(c)(vi), the department shall, prior to approving a
14 supervisor, consider the following:

15 (a) The relationships between the proposed supervisor, the
16 offender, and the minor; (b) the proposed supervisor's acknowledgment
17 and understanding of the offender's prior criminal conduct, general
18 knowledge of the dynamics of child sexual abuse, and willingness and
19 ability to protect the minor from the potential risks posed by contact
20 with the offender; and (c) recommendations made by the department of
21 social and health services about the best interests of the child.

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