

HOUSE BILL REPORT

SHB 2406

As Passed House:

February 13, 2002

Title: An act relating to a statewide registered sex offender web site.

Brief Description: Creating a statewide registered sex offender web site.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Ballasiotes, Lantz, Delvin, Lovick, Hurst, Morell, Conway, Veloria, Miloscia, Talcott, Kirby, Woods, Haigh and Esser).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/22/02, 2/1/02 [DPS].

Floor Activity:

Passed House: 2/13/02, 98-0.

Brief Summary of Substitute Bill

- Requires the creation of a statewide registered sex offender web site.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

Staff: Jim Morishima (786-7191).

Background:

Released sex offenders are classified by the Department of Corrections or the Department of Social and Health Services into one of three risk levels: risk level I (low risk), risk level II (medium risk), and risk level III (high risk). Local law enforcement officials may re-classify a released sex offender. When this happens, the law enforcement agency must notify the appropriate agency and submit its reasons supporting the change in classification.

A public agency may release information to the public regarding a sex offender when the agency has determined that the disclosure is relevant and necessary to protect the public and counteract the danger posed by the offender. The extent of this disclosure must be rationally related to:

- The risk posed by the offender to the community;
- The location of the offender;
- The need of the community for the information to enhance safety.

A law enforcement agency must consider certain guidelines when determining the extent of the disclosure depending on the risk level of the offender:

- For level I sex offenders, the agency must share the information with other law enforcement agencies and may share the information with: 1) victims, 2) witnesses, and 3) individual community members living near the offender;
- For level II sex offenders, the agency may also share the information with: 1) schools, 2) day care centers and providers, 3) businesses and organizations primarily serving children, women, or vulnerable adults, and 4) neighbors and community groups located near the offender.
- For level III sex offenders and sex offenders registered as homeless or transient, the agency may share the information with the public at large.

A county sheriff must notify a community of a level III sex offender's registered address or location. In addition, the sheriff must publish a list of level III sex offenders in the county twice yearly. The list must also be maintained on a publicly accessible web site that must be updated once a month. Elected public officials, public employees, and public agencies are immune from civil liability for damages arising from sex offender risk classifications or information disclosures, unless they are acting with gross negligence or in bad faith.

Summary of Substitute Bill:

When sufficient funding is available from federal grants or other funding sources other than state funds, the Washington Association of Sheriffs and Police Chiefs (WASPC) must create and maintain a publicly accessible sex offender web site. The site must contain information about all registered level III sex offenders statewide. The information required to be included on the site includes the sex offenders' names, relevant criminal convictions, addresses by hundred block, physical descriptions, and photographs. The web site must have the ability to display the sex offender's address on a map, and must allow users to search for sex offenders by county, city, zip code, last name, type of conviction, and address by hundred block.

County sheriffs must forward information regarding registered sex offenders, including notification of an offender's change in risk level, to the WASPC to aid in the creation and maintenance of the web site. The WASPC is immune from civil liability for

damages arising from sex offender risk classification or information disclosures, unless they are acting with gross negligence or in bad faith.

Appropriation: None.

Fiscal Note: Requested on January 31, 2002.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Current law does not allow for some basic information about sex offenders to be put on a web site. Having web sites put up by each county is inefficient and creates inconsistencies among counties with respect to the information available and ease of access; a statewide web site could solve these problems. A statewide web site could also help people get information on sex offenders in neighborhoods to which they are thinking of moving. Although a web site is not a guarantee of safety, it can increase awareness about the risk posed by offenders in the communities.

(With Concerns) The fee provisions in this bill could violate case law that requires courts to examine a person's ability to pay in actions regarding a person's failure to pay a fine. The fine could be burdensome to many offenders. Nothing in the bill addresses what happens when an offender no longer has to register, or exempts level I sex offenders from having to pay. The information on the web site could endanger a registered sex offender's physical safety or the integrity of the offender's home.

Testimony Against:

Testified: (In support) Tim Schellberg, Washington Association of Sheriffs and Police Chiefs; Suzanne Brown, Washington Coalition of Sexual Assault Programs; and Rowland Thompson, Allied Daily Newspaper of Washington;

(Concerns) Kathleen Swan, citizen; and Sherry Appleton, Washington Defenders Association and Washington Association of Criminal Defense Lawyers.