

HOUSE BILL REPORT

SSB 6488

As Reported by House Committee On:
Criminal Justice & Corrections

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

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

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, T. Sheldon, Eide, Winsley, Hale, Spanel, Jacobsen, Rasmussen, Gardner and Oke).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/26/02, 2/27/02 [DPA].

Brief Summary of Substitute Bill
(As Amended by House Committee)

- Requires the creation of a statewide registered sex offender web site when sufficient funding is available from federal grants or other non-state funding sources.
- Requires the creation of a web site containing links to county web sites containing sex offender registration information until funding is available for the statewide web site.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. 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 into one of three risk levels: risk level I (low risk), risk level II (medium risk), and risk level III (high risk).

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; and
- 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; and
- 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 the 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 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 Amended 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.

Until funding is available for the statewide web site, the WASPC must create a publicly available web site that provides electronic links to county-operated web sites that offer sex offender registration information.

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.

Amended Bill Compared to Substitute Bill:

The original bill only contained the requirement that the WASPC create a web site with links to county-operated web sites and provided limited immunity to the WASPC. The amended bill requires the creation of the statewide web site, makes technical changes, makes changes to reflect the fact that risk level classifications are made under current law by the End of Sentence Committee, and inserts a severability clause.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Current law requires sheriffs to have web sites dealing with level III sex offenders. The WASPC could accomplish this more efficiently. This bill will allow access to information regarding sex offenders statewide. Adding links to existing county sites is inexpensive.

Testimony Against: Publishing sex offender information on the internet violates the privacy rights of juvenile sex offenders. This bill would provide access to information for all to see when it is not the state's right to do so.

Testified: (In support) Tim Schellberg, Washington Association of Sheriffs and Police Chiefs; Suzanne Brown, Washington Coalition of Sexual Assault Programs.

(Opposed) Clayton Olney, citizen.