

***Criminal Justice & Corrections
Committee***

ESB 5888

Brief Description: *Revising the qualifications of a legal newspaper.*

Sponsors: *By Senators Gardner, Spanel and Honeyford.*

Brief Summary of Engrossed Bill

- *Expands the ability of certain newspapers to qualify for approval as a legal newspaper.*
- *Requires a newspaper to have an internal policy to print law enforcement notifications for certain level III sex and kidnapping offenders in order to qualify for approval as a legal newspaper.*

Hearing Date: *3/28/01*

Staff: *Katy Freeman (786-7386).*

Background:

Legal Newspaper

Legal notices and other official documents, such as a summons, citation, notice of sheriff's sale, or a legal advertisement of any description, must be published in a newspaper approved as a legal newspaper by the superior court of the county in which the newspaper is published. Various statutes pertaining to numerous areas of the law require that certain notices be published in a legal newspaper, including: probate of estates, dependency and termination of parental rights, adoption, and special elections.

A newspaper must meet the following requirements in order to be approved as a legal newspaper:

- *It must be a newspaper of general interest;*

- It must be printed in English;
- It must be published regularly (at least once a week);

- It must be a newspaper of general circulation;
- It must have been published for at least six months prior to its application to the superior court for approval;
- It must be compiled in an office maintained in the city or town of publication; and
- It must hold a second class mailing permit (presently referred to by the United States Postal Service as a periodicals class mailing permit).

A newspaper is not required to have a policy to print law enforcement notifications for level III sex and kidnapping offenders in order to qualify for approval as a legal newspaper.

Classes of Mail

The periodicals class of mail is designed for newspapers, magazines, and other periodical publications whose primary purpose is transmitting information to an established list of subscribers or requesters. There are specific standards for circulation, record keeping, and advertising limits. There is also a formal application procedure to become authorized for periodicals mailing privileges.

All mailable matter may be mailed as first class mail. Certain types of mail must be mailed as first class mail, including: handwritten or typewritten material, bills, statements of account or invoices, credit cards, personal correspondence, personalized business correspondence, and all matter sealed or otherwise closed against inspection.

The standard class of mail is mail not required to be mailed as first class mail or periodicals. Mailers may use standard mail to send: printed matter, flyers, circulars, advertising, newsletters, bulletins, and catalogs, and small parcels. There are no specific standards for circulation, record keeping, or advertising limits.

Sex Offenders and Kidnapping Offenders

Public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender.

Local law enforcement agencies make their own determination of what type of public notification is appropriate. Generally, offenders are classified into risk levels I, II, or III, depending on the agency's assessment of the risk posed by the offender to the community.

Notifications for level III sex and kidnapping offenders may include the release of relevant, necessary, and accurate information to:

- Appropriate law enforcement agencies and, upon request, to any victim or witness to the offense and to any individual community member who lives near the residence where the

offender resides, expects to reside, or is regularly found;

·Public and private schools, child day care centers, family day care providers, businesses and organizations that primarily serve children, women, vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; and

·The general public (usually through the press).

Summary of Bill:

In order to qualify as a legal newspaper, a newspaper must meet the current statutory requirements and may either hold a periodical class mailing permit or, under certain circumstances, a standard class mailing permit. Specifically, a newspaper who holds a standard class mailing permit qualifies for approval as a legal newspaper when the newspaper:

·Has printed legal notices of the federal government for a period of at least two years prior to the newspaper's application for approval as a legal newspaper;

·Is distributed by the United States Postal Service to at least 20 percent of the households within its primary circulation area; and

·Is published within 15 miles of an international border.

Additionally, to qualify as a legal newspaper, a newspaper must have a policy to print law enforcement notifications for level III sex and kidnapping offenders residing in the paper's county of publication.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

Effective Date: *The bill contains an emergency clause and takes effect immediately.*