
SENATE BILL 6143

State of Washington

57th Legislature

2001 Regular Session

By Senators T. Sheldon, Hargrove, Long, Costa, Roach, Snyder, McCaslin, Spanel, Winsley, Gardner, Eide, Zarelli, Rossi, Benton, Hochstatter, Swecker, Kastama, Shin, Patterson, Kline, Fraser, McAuliffe and Rasmussen

Read first time 03/10/2001. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to community notification for risk level III sex
2 and kidnapping offenders; amending RCW 65.16.020 and 4.24.550; adding
3 a new section to chapter 9A.76 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 65.16.020 and 1961 c 279 s 1 are each amended to read
6 as follows:

7 The qualifications of a legal newspaper are that such newspaper
8 shall have been published regularly, at least once a week, in the
9 English language, as a newspaper of general circulation, in the city or
10 town where the same is published at the time of application for
11 approval, for at least six months prior to the date of such
12 application; shall be compiled either in whole or in part in an office
13 maintained at the place of publication; shall contain news of general
14 interest as contrasted with news of interest primarily to an
15 organization, group or class; shall have a policy to print law
16 enforcement notifications for level III sex and kidnapping offenders
17 residing in the paper's county of publication; and shall hold a second
18 class mailing permit: PROVIDED, That in case of the consolidation of
19 two or more newspapers, such consolidated newspaper shall be considered

1 as qualified if either or any of the papers so consolidated would be a
2 qualified newspaper at the date of such legal publication, had not such
3 consolidation taken place: PROVIDED, That this section shall not
4 disqualify as a legal newspaper any publication which, prior to June 8,
5 1961, was adjudged a legal newspaper, so long as it continues to meet
6 the requirements under which it qualified.

7 **Sec. 2.** RCW 4.24.550 and 1998 c 220 s 6 are each amended to read
8 as follows:

9 (1) Public agencies are authorized to release information to the
10 public regarding sex offenders and kidnapping offenders when the agency
11 determines that disclosure of the information is relevant and necessary
12 to protect the public and counteract the danger created by the
13 particular offender. This authorization applies to information
14 regarding: (a) Any person adjudicated or convicted of a sex offense as
15 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW
16 9A.44.130; (b) any person under the jurisdiction of the indeterminate
17 sentence review board as the result of a sex offense or kidnapping
18 offense; (c) any person committed as a sexually violent predator under
19 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
20 (d) any person found not guilty of a sex offense or kidnapping offense
21 by reason of insanity under chapter 10.77 RCW; and (e) any person found
22 incompetent to stand trial for a sex offense or kidnapping offense and
23 subsequently committed under chapter 71.05 or 71.34 RCW.

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

30 (3) Local law enforcement agencies shall consider the following
31 guidelines in determining the extent of a public disclosure made under
32 this section: (a) For offenders classified as risk level I, the agency
33 shall share information with other appropriate law enforcement agencies
34 and may disclose, upon request, relevant, necessary, and accurate
35 information to any victim or witness to the offense and to any
36 individual community member who lives near the residence where the
37 offender resides, expects to reside, or is regularly found; (b) for
38 offenders classified as risk level II, the agency may also disclose

1 relevant, necessary, and accurate information to public and private
2 schools, child day care centers, family day care providers, businesses
3 and organizations that serve primarily children, women, or vulnerable
4 adults, and neighbors and community groups near the residence where the
5 offender resides, expects to reside, or is regularly found; and (c) for
6 offenders classified as risk level III, the agency may also disclose
7 relevant, necessary, and accurate information to the public at large.

8 (4) The county sheriff with whom an offender classified as risk
9 level III is registered must submit a sex offender community
10 notification that conforms to the guidelines established under RCW
11 4.24.5501 for publication to at least one legal newspaper with general
12 circulation in the area of the sex offender's registered address or
13 location.

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

28 ((+5)) (6) An appointed or elected public official, public
29 employee, or public agency as defined in RCW 4.24.470 is immune from
30 civil liability for damages for any discretionary risk level
31 classification decisions or release of relevant and necessary
32 information, unless it is shown that the official, employee, or agency
33 acted with gross negligence or in bad faith. The immunity in this
34 section applies to risk level classification decisions and the release
35 of relevant and necessary information regarding any individual for whom
36 disclosure is authorized. The decision of a local law enforcement
37 agency or official to classify an offender to a risk level other than
38 the one assigned by the department of corrections, the department of
39 social and health services, or the indeterminate sentence review board,

1 or the release of any relevant and necessary information based on that
2 different classification shall not, by itself, be considered gross
3 negligence or bad faith. The immunity provided under this section
4 applies to the release of relevant and necessary information to other
5 public officials, public employees, or public agencies, and to the
6 general public.

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

11 ~~((7))~~ (8) Nothing in this section implies that information
12 regarding persons designated in subsection (1) of this section is
13 confidential except as may otherwise be provided by law.

14 ~~((8))~~ (9) When a local law enforcement agency or official
15 classifies an offender differently than the offender is classified by
16 the department of corrections, the department of social and health
17 services, or the indeterminate sentence review board, the law
18 enforcement agency or official shall notify the appropriate department
19 or the board and submit its reasons supporting the change in
20 classification.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.76 RCW
22 to read as follows:

23 (1) A person is guilty of interfering with community notification
24 if a person removes a current level III sex offender notice that was
25 lawfully posted by the law enforcement agency with responsibility for
26 community notification under RCW 4.24.550.

27 (2) Interfering with community notification is a misdemeanor.

--- END ---