

---

SENATE BILL 6488

---

State of Washington 57th Legislature

2002 Regular Session

By Senators Costa, Long, T. Sheldon, Eide, Winsley, Hale, Spanel, Jacobsen, Rasmussen, Gardner and Oke

Read first time 01/18/2002. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to a statewide registered sex offender web site;  
2 amending RCW 43.43.540; reenacting and amending RCW 4.24.550; and  
3 adding new sections to chapter 10.98 RCW.

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

5 **Sec. 1.** RCW 4.24.550 and 2001 c 283 s 2 and 2001 c 169 s 2 are  
6 each reenacted and amended to read as follows:

7 (1) In addition to the disclosure under subsection (5) of this  
8 section, public agencies are authorized to release information to the  
9 public regarding sex offenders and kidnapping offenders when the agency  
10 determines that disclosure of the information is relevant and necessary  
11 to protect the public and counteract the danger created by the  
12 particular offender. This authorization applies to information  
13 regarding: (a) Any person adjudicated or convicted of a sex offense as  
14 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW  
15 9A.44.130; (b) any person under the jurisdiction of the indeterminate  
16 sentence review board as the result of a sex offense or kidnapping  
17 offense; (c) any person committed as a sexually violent predator under  
18 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;  
19 (d) any person found not guilty of a sex offense or kidnapping offense

1 by reason of insanity under chapter 10.77 RCW; and (e) any person found  
2 incompetent to stand trial for a sex offense or kidnapping offense and  
3 subsequently committed under chapter 71.05 or 71.34 RCW.

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

11 (3) Except for the information specifically required under  
12 subsection (5) of this section, local law enforcement agencies shall  
13 consider the following guidelines in determining the extent of a public  
14 disclosure made under this section: (a) For offenders classified as  
15 risk level I, the agency shall share information with other appropriate  
16 law enforcement agencies and may disclose, upon request, relevant,  
17 necessary, and accurate information to any victim or witness to the  
18 offense and to any individual community member who lives near the  
19 residence where the offender resides, expects to reside, or is  
20 regularly found; (b) for offenders classified as risk level II, the  
21 agency may also disclose relevant, necessary, and accurate information  
22 to public and private schools, child day care centers, family day care  
23 providers, businesses and organizations that serve primarily children,  
24 women, or vulnerable adults, and neighbors and community groups near  
25 the residence where the offender resides, expects to reside, or is  
26 regularly found; (c) for offenders classified as risk level III, the  
27 agency may also disclose relevant, necessary, and accurate information  
28 to the public at large; and (d) because more localized notification is  
29 not feasible and homeless and transient offenders may present unique  
30 risks to the community, the agency may also disclose relevant,  
31 necessary, and accurate information to the public at large for  
32 offenders registered as homeless or transient.

33 (4) The county sheriff with whom an offender classified as risk  
34 level III is registered shall cause to be published by legal notice,  
35 advertising, or news release a sex offender community notification that  
36 conforms to the guidelines established under RCW 4.24.5501 in at least  
37 one legal newspaper with general circulation in the area of the sex  
38 offender's registered address or location. The county sheriff shall  
39 also cause to be published consistent with this subsection a current

1 list of level III registered sex offenders, twice yearly. Unless the  
2 information is posted on the web site described in subsection (5) of  
3 this section, this list shall be maintained by the county sheriff on a  
4 publicly accessible web site and shall be updated at least once per  
5 month.

6 (5) The Washington association of sheriffs and police chiefs shall  
7 create and maintain a statewide registered sex offender web site, which  
8 shall be available to the public. The web site shall post all level II  
9 and III registered sex offenders in the state of Washington. The web  
10 site shall contain, but is not limited to, the registered sex  
11 offender's name, relevant criminal convictions, address, physical  
12 description, and photograph. The web site shall provide mapping  
13 capabilities that display the sex offender's address on a map. The web  
14 site shall allow citizens to search for registered sex offenders within  
15 the state of Washington by county, city, zip code, last name, type of  
16 conviction, and address.

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

31 ~~((+6))~~ (7) An appointed or elected public official, public  
32 employee, or public agency as defined in RCW 4.24.470 (~~(is)~~), or units  
33 of local government and its employees, as provided in RCW 36.28A.010,  
34 are immune from civil liability for damages for any discretionary risk  
35 level classification decisions or release of relevant and necessary  
36 information, unless it is shown that the official, employee, or agency  
37 acted with gross negligence or in bad faith. The immunity in this  
38 section applies to risk level classification decisions and the release  
39 of relevant and necessary information regarding any individual for whom

1 disclosure is authorized. The decision of a local law enforcement  
2 agency or official to classify an offender to a risk level other than  
3 the one assigned by the department of corrections, the department of  
4 social and health services, or the indeterminate sentence review board,  
5 or the release of any relevant and necessary information based on that  
6 different classification shall not, by itself, be considered gross  
7 negligence or bad faith. The immunity provided under this section  
8 applies to the release of relevant and necessary information to other  
9 public officials, public employees, or public agencies, and to the  
10 general public.

11 ~~((+7))~~ (8) Except as may otherwise be provided by law, nothing in  
12 this section shall impose any liability upon a public official, public  
13 employee, or public agency for failing to release information  
14 authorized under this section.

15 ~~((+8))~~ (9) Nothing in this section implies that information  
16 regarding persons designated in subsection (1) of this section is  
17 confidential except as may otherwise be provided by law.

18 ~~((+9))~~ (10) When a local law enforcement agency or official  
19 classifies an offender differently than the offender is classified by  
20 the department of corrections, the department of social and health  
21 services, or the indeterminate sentence review board, the law  
22 enforcement agency or official shall notify the appropriate department  
23 or the board and submit its reasons supporting the change in  
24 classification.

25 **Sec. 2.** RCW 43.43.540 and 1998 c 220 s 4 are each amended to read  
26 as follows:

27 The county sheriff shall (1) forward the information, photographs,  
28 and fingerprints obtained pursuant to RCW 9A.44.130, including any  
29 notice of change of address, to the Washington state patrol within five  
30 working days; and (2) forward any information obtained pursuant to RCW  
31 9A.44.130 that is necessary to operate the registered sex offender web  
32 site described in RCW 4.24.550 to the Washington association of  
33 sheriffs and police chiefs within five working days of receiving the  
34 information, including any notice of change of address. The state  
35 patrol shall maintain a central registry of sex offenders and  
36 kidnapping offenders required to register under RCW 9A.44.130 and shall  
37 adopt rules consistent with chapters 10.97, 10.98, and 43.43 RCW as are  
38 necessary to carry out the purposes of RCW 9A.44.130, 9A.44.140,

1 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The  
2 Washington state patrol shall reimburse the counties for the costs of  
3 processing the offender registration, including taking the fingerprints  
4 and the photographs.

5 NEW SECTION. **Sec. 3.** The statewide registered sex offender web  
6 site, as described in RCW 4.24.550 shall be operational no later than  
7 six months after enough money has been placed into the statewide  
8 registered sex offender web site account, as described in section 6 of  
9 this act, to pay for: (1) The creation and operation of the statewide  
10 registered sex offender web site; and (2) any necessary computer  
11 upgrades each sheriff must make to electronically process the  
12 information to the statewide registered sex offender web site.

13 NEW SECTION. **Sec. 4.** Every registered sex offender under RCW  
14 9A.44.130 shall pay the county sheriff a quarterly fee of twenty  
15 dollars for as long as the sex offender is required to register as a  
16 sex offender. On a quarterly basis, the sheriff shall transmit fifty  
17 percent of all registration fees collected to the state treasurer for  
18 deposit into the statewide registered sex offender web site account  
19 described in section 6 of this act.

20 NEW SECTION. **Sec. 5.** A registered sex offender that is more than  
21 ninety days late in paying the county sheriff the quarterly fee, as  
22 described in section 4 of this act, shall serve no more than ten days  
23 in the county jail.

24 NEW SECTION. **Sec. 6.** The statewide registered sex offender web  
25 site account is created in the custody of the state treasurer. All  
26 receipts under section 3 of this act must be deposited into the  
27 account. Expenditures from the account may be used only by the  
28 Washington association of sheriffs and police chiefs for: (1) The  
29 creation, operation, and maintenance of the statewide registered sex  
30 offender web site as described in RCW 4.24.550; and (2) the purchase of  
31 any equipment and services necessary to upgrade each county sheriff's  
32 computer system to allow electronic submission of the information to be  
33 posted on the web site. The account is subject to allotment procedures  
34 under chapter 43.88 RCW, but an appropriation is not required for  
35 expenditures.

1        NEW SECTION.    **Sec. 7.**    Sections 3 through 6 of this act are each  
2 added to chapter 10.98 RCW.

--- **END** ---