

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6488

57th Legislature
2002 Regular Session

Passed by the Senate March 11, 2002
YEAS 47 NAYS 0

President of the Senate

Passed by the House March 6, 2002
YEAS 93 NAYS 0

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6488** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

Approved

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6488

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

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

READ FIRST TIME 02/08/2002.

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 creating a new section.

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

19 (b) Until the implementation of (a) of this subsection, the
20 Washington association of sheriffs and police chiefs shall create a web
21 site available to the public that provides electronic links to county-
22 operated web sites that offer sex offender registration information.

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

37 ((+6+)) (7) An appointed or elected public official, public
38 employee, or public agency as defined in RCW 4.24.470 ((is)), or units
39 of local government and its employees, as provided in RCW 36.28A.010,

1 are immune from civil liability for damages for any discretionary risk
2 level classification decisions or release of relevant and necessary
3 information, unless it is shown that the official, employee, or agency
4 acted with gross negligence or in bad faith. The immunity in this
5 section applies to risk level classification decisions and the release
6 of relevant and necessary information regarding any individual for whom
7 disclosure is authorized. The decision of a local law enforcement
8 agency or official to classify an offender to a risk level other than
9 the one assigned by the department of corrections, the department of
10 social and health services, or the indeterminate sentence review board,
11 or the release of any relevant and necessary information based on that
12 different classification shall not, by itself, be considered gross
13 negligence or bad faith. The immunity provided under this section
14 applies to the release of relevant and necessary information to other
15 public officials, public employees, or public agencies, and to the
16 general public.

17 ~~((+7))~~ (8) Except as may otherwise be provided by law, nothing in
18 this section shall impose any liability upon a public official, public
19 employee, or public agency for failing to release information
20 authorized under this section.

21 ~~((+8))~~ (9) Nothing in this section implies that information
22 regarding persons designated in subsection (1) of this section is
23 confidential except as may otherwise be provided by law.

24 ~~((+9))~~ (10) When a local law enforcement agency or official
25 classifies an offender differently than the offender is classified by
26 the ~~((department of corrections,))~~ end of sentence review committee or
27 the department of social and health services~~((, or the indeterminate~~
28 ~~sentence review board))~~ at the time of the offender's release from
29 confinement, the law enforcement agency or official shall notify the
30 ~~((appropriate department or the board))~~ end of sentence review
31 committee of the department of social and health services and submit
32 its reasons supporting the change in classification. Upon
33 implementation of subsection (5)(a) of this section, notification of
34 the change shall also be sent to the Washington association of sheriffs
35 and police chiefs.

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

1 The county sheriff shall (1) forward the information, photographs,
2 and fingerprints obtained pursuant to RCW 9A.44.130, including any
3 notice of change of address, to the Washington state patrol within five
4 working days; and (2) upon implementation of RCW 4.24.550(5)(a),
5 forward any information obtained pursuant to RCW 9A.44.130 that is
6 necessary to operate the registered sex offender web site described in
7 RCW 4.24.550(5)(a) to the Washington association of sheriffs and police
8 chiefs within five working days of receiving the information, including
9 any notice of change of address or change in risk level notification.
10 The state patrol shall maintain a central registry of sex offenders and
11 kidnapping offenders required to register under RCW 9A.44.130 and shall
12 adopt rules consistent with chapters 10.97, 10.98, and 43.43 RCW as are
13 necessary to carry out the purposes of RCW 9A.44.130, 9A.44.140,
14 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The
15 Washington state patrol shall reimburse the counties for the costs of
16 processing the offender registration, including taking the fingerprints
17 and the photographs.

18 NEW SECTION. **Sec. 3.** If any provision of this act or its
19 application to any person or circumstance is held invalid due to a
20 conflict with federal law, the conflicting part of this act is
21 inoperative solely to the extent of the conflict, and such holding does
22 not affect the operation of the remainder of this act or the
23 application of the provision to other persons or circumstances.

--- END ---