

SHB 2328 - H AMD 817

By Representative Pearson

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are
4 each reenacted and amended to read as follows:

5 (1)(a) Any adult or juvenile residing whether or not the person has
6 a fixed residence, or who is a student, is employed, or carries on a
7 vocation in this state who has been found to have committed or has been
8 convicted of any sex offense or kidnapping offense, or who has been
9 found not guilty by reason of insanity under chapter 10.77 RCW of
10 committing any sex offense or kidnapping offense, shall register with
11 the county sheriff for the county of the person's residence, or if the
12 person is not a resident of Washington, the county of the person's
13 school, or place of employment or vocation, or as otherwise specified
14 in this section. Where a person required to register under this
15 section is in custody of the state department of corrections, the state
16 department of social and health services, a local division of youth
17 services, or a local jail or juvenile detention facility as a result of
18 a sex offense or kidnapping offense, the person shall also register at
19 the time of release from custody with an official designated by the
20 agency that has jurisdiction over the person. (~~In addition, any~~
21 ~~such~~))

22 (b) Any adult or juvenile who is required to register under (a) of
23 this subsection:

24 (~~(a)~~) (i) Who is attending, or planning to attend, a public or
25 private school regulated under Title 28A RCW shall, within ten days of
26 enrolling or prior to arriving at the school to attend classes,
27 whichever is earlier, notify the sheriff for the county of the person's
28 residence of the person's intent to attend the school, and the sheriff
29 shall promptly notify the principal of the school;

1 (ii) Who is admitted to a public or private institution of higher
2 education shall, within ten days of enrolling or by the first business
3 day after arriving at the institution, whichever is earlier, notify the
4 sheriff for the county of the person's residence of the person's intent
5 to attend the institution;

6 ~~((b))~~ (iii) Who gains employment at a public or private
7 institution of higher education shall, within ten days of accepting
8 employment or by the first business day after commencing work at the
9 institution, whichever is earlier, notify the sheriff for the county of
10 the person's residence of the person's employment by the institution;
11 or

12 ~~((e))~~ (iv) Whose enrollment or employment at a public or private
13 institution of higher education is terminated shall, within ten days of
14 such termination, notify the sheriff for the county of the person's
15 residence of the person's termination of enrollment or employment at
16 the institution.

17 (c) Persons required to register under this section who are
18 enrolled in a public or private institution of higher education on June
19 11, 1998, or a public or private school regulated under Title 28A RCW
20 on July 1, 2004, must notify the county sheriff immediately.

21 (d) The sheriff shall notify the school's principal or
22 institution's department of public safety and shall provide that
23 department with the same information provided to a county sheriff under
24 subsection (3) of this section.

25 (e)(i) A principal receiving notice under this subsection must
26 provide the information received to every teacher of any student
27 required to register under (a) of this subsection and to any other
28 personnel who, in the judgment of the principal, supervises the student
29 or for security purposes should be aware of the student's record.

30 (ii) Any information received by a principal or school personnel
31 under this subsection is confidential and may not be further
32 disseminated except as provided in RCW 28A.225.330, other statutes or
33 case law, and the family and educational and privacy rights act of
34 1994, 20 U.S.C. Sec. 1232g et seq.

35 (2) This section may not be construed to confer any powers pursuant
36 to RCW 4.24.500 upon the public safety department of any public or
37 private school or institution of higher education.

1 (3)(a) The person shall provide the following information when
2 registering: (i) Name; (ii) address; (iii) date and place of birth;
3 (iv) place of employment; (v) crime for which convicted; (vi) date and
4 place of conviction; (vii) aliases used; (viii) social security number;
5 (ix) photograph; and (x) fingerprints.

6 (b) Any person who lacks a fixed residence shall provide the
7 following information when registering: (i) Name; (ii) date and place
8 of birth; (iii) place of employment; (iv) crime for which convicted;
9 (v) date and place of conviction; (vi) aliases used; (vii) social
10 security number; (viii) photograph; (ix) fingerprints; and (x) where he
11 or she plans to stay.

12 (4)(a) Offenders shall register with the county sheriff within the
13 following deadlines. For purposes of this section the term
14 "conviction" refers to adult convictions and juvenile adjudications for
15 sex offenses or kidnapping offenses:

16 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
17 offense on, before, or after February 28, 1990, and who, on or after
18 July 28, 1991, are in custody, as a result of that offense, of the
19 state department of corrections, the state department of social and
20 health services, a local division of youth services, or a local jail or
21 juvenile detention facility, and (B) kidnapping offenders who on or
22 after July 27, 1997, are in custody of the state department of
23 corrections, the state department of social and health services, a
24 local division of youth services, or a local jail or juvenile detention
25 facility, must register at the time of release from custody with an
26 official designated by the agency that has jurisdiction over the
27 offender. The agency shall within three days forward the registration
28 information to the county sheriff for the county of the offender's
29 anticipated residence. The offender must also register within twenty-
30 four hours from the time of release with the county sheriff for the
31 county of the person's residence, or if the person is not a resident of
32 Washington, the county of the person's school, or place of employment
33 or vocation. The agency that has jurisdiction over the offender shall
34 provide notice to the offender of the duty to register. Failure to
35 register at the time of release and within twenty-four hours of release
36 constitutes a violation of this section and is punishable as provided
37 in subsection (~~((10))~~) (11) of this section.

1 When the agency with jurisdiction intends to release an offender
2 with a duty to register under this section, and the agency has
3 knowledge that the offender is eligible for developmental disability
4 services from the department of social and health services, the agency
5 shall notify the division of developmental disabilities of the release.
6 Notice shall occur not more than thirty days before the offender is to
7 be released. The agency and the division shall assist the offender in
8 meeting the initial registration requirement under this section.
9 Failure to provide such assistance shall not constitute a defense for
10 any violation of this section.

11 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
12 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
13 but are under the jurisdiction of the indeterminate sentence review
14 board or under the department of correction's active supervision, as
15 defined by the department of corrections, the state department of
16 social and health services, or a local division of youth services, for
17 sex offenses committed before, on, or after February 28, 1990, must
18 register within ten days of July 28, 1991. Kidnapping offenders who,
19 on July 27, 1997, are not in custody but are under the jurisdiction of
20 the indeterminate sentence review board or under the department of
21 correction's active supervision, as defined by the department of
22 corrections, the state department of social and health services, or a
23 local division of youth services, for kidnapping offenses committed
24 before, on, or after July 27, 1997, must register within ten days of
25 July 27, 1997. A change in supervision status of a sex offender who
26 was required to register under this subsection (4)(a)(ii) as of July
27 28, 1991, or a kidnapping offender required to register as of July 27,
28 1997, shall not relieve the offender of the duty to register or to
29 reregister following a change in residence. The obligation to register
30 shall only cease pursuant to RCW 9A.44.140.

31 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
32 or after July 23, 1995, and kidnapping offenders who, on or after July
33 27, 1997, as a result of that offense are in the custody of the United
34 States bureau of prisons or other federal or military correctional
35 agency for sex offenses committed before, on, or after February 28,
36 1990, or kidnapping offenses committed on, before, or after July 27,
37 1997, must register within twenty-four hours from the time of release

1 with the county sheriff for the county of the person's residence, or if
2 the person is not a resident of Washington, the county of the person's
3 school, or place of employment or vocation. Sex offenders who, on July
4 23, 1995, are not in custody but are under the jurisdiction of the
5 United States bureau of prisons, United States courts, United States
6 parole commission, or military parole board for sex offenses committed
7 before, on, or after February 28, 1990, must register within ten days
8 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
9 in custody but are under the jurisdiction of the United States bureau
10 of prisons, United States courts, United States parole commission, or
11 military parole board for kidnapping offenses committed before, on, or
12 after July 27, 1997, must register within ten days of July 27, 1997.
13 A change in supervision status of a sex offender who was required to
14 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
15 kidnapping offender required to register as of July 27, 1997 shall not
16 relieve the offender of the duty to register or to reregister following
17 a change in residence, or if the person is not a resident of
18 Washington, the county of the person's school, or place of employment
19 or vocation. The obligation to register shall only cease pursuant to
20 RCW 9A.44.140.

21 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
22 who are convicted of a sex offense on or after July 28, 1991, for a sex
23 offense that was committed on or after February 28, 1990, and
24 kidnapping offenders who are convicted on or after July 27, 1997, for
25 a kidnapping offense that was committed on or after July 27, 1997, but
26 who are not sentenced to serve a term of confinement immediately upon
27 sentencing, shall report to the county sheriff to register immediately
28 upon completion of being sentenced.

29 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
30 RESIDENTS. Sex offenders and kidnapping offenders who move to
31 Washington state from another state or a foreign country that are not
32 under the jurisdiction of the state department of corrections, the
33 indeterminate sentence review board, or the state department of social
34 and health services at the time of moving to Washington, must register
35 within thirty days of establishing residence or reestablishing
36 residence if the person is a former Washington resident. The duty to
37 register under this subsection applies to sex offenders convicted under

1 the laws of another state or a foreign country, federal or military
2 statutes, or Washington state for offenses committed on or after
3 February 28, 1990, and to kidnapping offenders convicted under the laws
4 of another state or a foreign country, federal or military statutes, or
5 Washington state for offenses committed on or after July 27, 1997. Sex
6 offenders and kidnapping offenders from other states or a foreign
7 country who, when they move to Washington, are under the jurisdiction
8 of the department of corrections, the indeterminate sentence review
9 board, or the department of social and health services must register
10 within twenty-four hours of moving to Washington. The agency that has
11 jurisdiction over the offender shall notify the offender of the
12 registration requirements before the offender moves to Washington.

13 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
14 or juvenile who has been found not guilty by reason of insanity under
15 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
16 February 28, 1990, and who, on or after July 23, 1995, is in custody,
17 as a result of that finding, of the state department of social and
18 health services, or (B) committing a kidnapping offense on, before, or
19 after July 27, 1997, and who on or after July 27, 1997, is in custody,
20 as a result of that finding, of the state department of social and
21 health services, must register within twenty-four hours from the time
22 of release with the county sheriff for the county of the person's
23 residence. The state department of social and health services shall
24 provide notice to the adult or juvenile in its custody of the duty to
25 register. Any adult or juvenile who has been found not guilty by
26 reason of insanity of committing a sex offense on, before, or after
27 February 28, 1990, but who was released before July 23, 1995, or any
28 adult or juvenile who has been found not guilty by reason of insanity
29 of committing a kidnapping offense but who was released before July 27,
30 1997, shall be required to register within twenty-four hours of
31 receiving notice of this registration requirement. The state
32 department of social and health services shall make reasonable attempts
33 within available resources to notify sex offenders who were released
34 before July 23, 1995, and kidnapping offenders who were released before
35 July 27, 1997. Failure to register within twenty-four hours of
36 release, or of receiving notice, constitutes a violation of this

1 section and is punishable as provided in subsection (~~(10)~~) (11) of
2 this section.

3 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
4 a fixed residence and leaves the county in which he or she is
5 registered and enters and remains within a new county for twenty-four
6 hours is required to register with the county sheriff not more than
7 twenty-four hours after entering the county and provide the information
8 required in subsection (3)(b) of this section.

9 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
10 SUPERVISION. Offenders who lack a fixed residence and who are under
11 the supervision of the department shall register in the county of their
12 supervision.

13 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
14 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,
15 who move to another state, or who work, carry on a vocation, or attend
16 school in another state shall register a new address, fingerprints, and
17 photograph with the new state within ten days after establishing
18 residence, or after beginning to work, carry on a vocation, or attend
19 school in the new state. The person must also send written notice
20 within ten days of moving to the new state or to a foreign country to
21 the county sheriff with whom the person last registered in Washington
22 state. The county sheriff shall promptly forward this information to
23 the Washington state patrol.

24 (b) Failure to register within the time required under this section
25 constitutes a per se violation of this section and is punishable as
26 provided in subsection (~~(10)~~) (11) of this section. The county
27 sheriff shall not be required to determine whether the person is living
28 within the county.

29 (c) An arrest on charges of failure to register, service of an
30 information, or a complaint for a violation of this section, or
31 arraignment on charges for a violation of this section, constitutes
32 actual notice of the duty to register. Any person charged with the
33 crime of failure to register under this section who asserts as a
34 defense the lack of notice of the duty to register shall register
35 immediately following actual notice of the duty through arrest,
36 service, or arraignment. Failure to register as required under this
37 subsection (4)(c) constitutes grounds for filing another charge of

1 failing to register. Registering following arrest, service, or
2 arraignment on charges shall not relieve the offender from criminal
3 liability for failure to register prior to the filing of the original
4 charge.

5 (d) The deadlines for the duty to register under this section do
6 not relieve any sex offender of the duty to register under this section
7 as it existed prior to July 28, 1991.

8 (5)(a) If any person required to register pursuant to this section
9 changes his or her residence address within the same county, the person
10 must send written notice of the change of address to the county sheriff
11 within seventy-two hours of moving. If any person required to register
12 pursuant to this section moves to a new county, the person must send
13 written notice of the change of address at least fourteen days before
14 moving to the county sheriff in the new county of residence and must
15 register with that county sheriff within twenty-four hours of moving.
16 The person must also send written notice within ten days of the change
17 of address in the new county to the county sheriff with whom the person
18 last registered. The county sheriff with whom the person last
19 registered shall promptly forward the information concerning the change
20 of address to the county sheriff for the county of the person's new
21 residence. Upon receipt of notice of change of address to a new state,
22 the county sheriff shall promptly forward the information regarding the
23 change of address to the agency designated by the new state as the
24 state's offender registration agency.

25 (b) It is an affirmative defense to a charge that the person failed
26 to send a notice at least fourteen days in advance of moving as
27 required under (a) of this subsection that the person did not know the
28 location of his or her new residence at least fourteen days before
29 moving. The defendant must establish the defense by a preponderance of
30 the evidence and, to prevail on the defense, must also prove by a
31 preponderance that the defendant sent the required notice within
32 twenty-four hours of determining the new address.

33 (6)(a) Any person required to register under this section who lacks
34 a fixed residence shall provide written notice to the sheriff of the
35 county where he or she last registered within forty-eight hours
36 excluding weekends and holidays after ceasing to have a fixed
37 residence. The notice shall include the information required by

1 subsection (3)(b) of this section, except the photograph and
2 fingerprints. The county sheriff may, for reasonable cause, require
3 the offender to provide a photograph and fingerprints. The sheriff
4 shall forward this information to the sheriff of the county in which
5 the person intends to reside, if the person intends to reside in
6 another county.

7 (b) A person who lacks a fixed residence must report weekly, in
8 person, to the sheriff of the county where he or she is registered.
9 The weekly report shall be on a day specified by the county sheriff's
10 office, and shall occur during normal business hours. The county
11 sheriff's office may require the person to list the locations where the
12 person has stayed during the last seven days. The lack of a fixed
13 residence is a factor that may be considered in determining an
14 offender's risk level and shall make the offender subject to disclosure
15 of information to the public at large pursuant to RCW 4.24.550.

16 (c) If any person required to register pursuant to this section
17 does not have a fixed residence, it is an affirmative defense to the
18 charge of failure to register, that he or she provided written notice
19 to the sheriff of the county where he or she last registered within
20 forty-eight hours excluding weekends and holidays after ceasing to have
21 a fixed residence and has subsequently complied with the requirements
22 of subsections (4)(a)(vii) or (viii) and (6) of this section. To
23 prevail, the person must prove the defense by a preponderance of the
24 evidence.

25 (7) A sex offender subject to registration requirements under this
26 section who applies to change his or her name under RCW 4.24.130 or any
27 other law shall submit a copy of the application to the county sheriff
28 of the county of the person's residence and to the state patrol not
29 fewer than five days before the entry of an order granting the name
30 change. No sex offender under the requirement to register under this
31 section at the time of application shall be granted an order changing
32 his or her name if the court finds that doing so will interfere with
33 legitimate law enforcement interests, except that no order shall be
34 denied when the name change is requested for religious or legitimate
35 cultural reasons or in recognition of marriage or dissolution of
36 marriage. A sex offender under the requirement to register under this
37 section who receives an order changing his or her name shall submit a

1 copy of the order to the county sheriff of the county of the person's
2 residence and to the state patrol within five days of the entry of the
3 order.

4 (8)(a) If a person required to register under this section enrolls
5 in a new public or private school regulated under Title 28A RCW within
6 the same county in which he or she is registered, graduates from high
7 school, or ceases to attend school, the person must send written notice
8 of the new enrollment, graduation, or cessation of schooling to the
9 county sheriff within seventy-two hours of the enrollment, graduation,
10 or cessation. If a person required to register under this section
11 enrolls in a new public or private school regulated under Title 28A RCW
12 in a different county than the county in which he or she is registered,
13 the person must send notice of the new enrollment to the county
14 sheriff in the new county within fourteen days of the enrollment,
15 unless the person is already required to register in the new county
16 under subsection (5) of this section. The person must also send
17 written notice within ten days of the new enrollment in the new county
18 to the county sheriff with whom the person last registered. The county
19 sheriff with whom the person last registered shall promptly forward the
20 information concerning the new enrollment to the county sheriff for the
21 county of the person's new enrollment.

22 (b) It is an affirmative defense to a charge that the person failed
23 to send a notice at least fourteen days in advance of a new enrollment
24 under (a) of this subsection that the person did not know the location
25 of his or her new school at least fourteen days in advance. The
26 defendant must establish the defense by a preponderance of the evidence
27 and, to prevail on the defense, must also prove by a preponderance that
28 the defendant sent the required notice within twenty-four hours of
29 determining the new address.

30 (9) The county sheriff shall obtain a photograph of the individual
31 and shall obtain a copy of the individual's fingerprints.

32 ~~((+9))~~ (10) For the purpose of RCW 9A.44.130, 10.01.200,
33 43.43.540, 70.48.470, and 72.09.330:

34 (a) "Sex offense" means:

35 (i) Any offense defined as a sex offense by RCW 9.94A.030;

36 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
37 minor in the second degree);

1 (iii) Any violation under RCW 9.68A.090 (communication with a minor
2 for immoral purposes);
3 (iv) Any federal or out-of-state conviction for an offense that
4 under the laws of this state would be classified as a sex offense under
5 this subsection; and
6 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
7 criminal attempt, criminal solicitation, or criminal conspiracy to
8 commit an offense that is classified as a sex offense under RCW
9 9.94A.030 or this subsection.

10 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
11 the first degree, kidnapping in the second degree, and unlawful
12 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
13 minor and the offender is not the minor's parent; (ii) any offense that
14 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
15 or criminal conspiracy to commit an offense that is classified as a
16 kidnapping offense under this subsection (~~((+9))~~) (10)(b); and (iii) any
17 federal or out-of-state conviction for an offense that under the laws
18 of this state would be classified as a kidnapping offense under this
19 subsection (~~((+9))~~) (10)(b).

20 (c) "Employed" or "carries on a vocation" means employment that is
21 full-time or part-time for a period of time exceeding fourteen days, or
22 for an aggregate period of time exceeding thirty days during any
23 calendar year. A person is employed or carries on a vocation whether
24 the person's employment is financially compensated, volunteered, or for
25 the purpose of government or educational benefit.

26 (d) "Student" means a person who is enrolled, on a full-time or
27 part-time basis, in any public or private educational institution. An
28 educational institution includes any secondary school, trade or
29 professional institution, or institution of higher education.

30 (~~((+10))~~) (11)(a) A person who knowingly fails to register with the
31 county sheriff or notify the county sheriff, or who changes his or her
32 name without notifying the county sheriff and the state patrol, as
33 required by this section is guilty of a class C felony if the crime for
34 which the individual was convicted was a felony sex offense as defined
35 in subsection (~~((+9))~~) (10)(a) of this section or a federal or out-of-
36 state conviction for an offense that under the laws of this state would

1 be a felony sex offense as defined in subsection ~~((+9+))~~ (10)(a) of
2 this section.

3 (b) If the crime for which the individual was convicted was other
4 than a felony or a federal or out-of-state conviction for an offense
5 that under the laws of this state would be other than a felony,
6 violation of this section is a gross misdemeanor.

7 ~~((+11+))~~ (12)(a) A person who knowingly fails to register ~~((+9+))~~
8 who moves within the state without notifying the county sheriff, or who
9 enrolls in a new public or private school regulated under Title 28A RCW
10 within the state without notifying the county sheriff as required by
11 this section is guilty of a class C felony if the crime for which the
12 individual was convicted was a felony kidnapping offense as defined in
13 subsection ~~((+9+))~~ (10)(b) of this section or a federal or out-of-state
14 conviction for an offense that under the laws of this state would be a
15 felony kidnapping offense as defined in subsection ~~((+9+))~~ (10)(b) of
16 this section.

17 (b) If the crime for which the individual was convicted was other
18 than a felony or a federal or out-of-state conviction for an offense
19 that under the laws of this state would be other than a felony,
20 violation of this section is a gross misdemeanor.

21 **Sec. 2.** RCW 4.24.550 and 2003 c 217 s 1 are each amended to read
22 as follows:

23 (1) In addition to the disclosure under subsections (5) and (6) of
24 this section, public agencies are authorized to release information to
25 the public regarding sex offenders and kidnapping offenders when the
26 agency determines that disclosure of the information is relevant and
27 necessary to protect the public and counteract the danger created by
28 the particular offender. This authorization applies to information
29 regarding: (a) Any person adjudicated or convicted of a sex offense as
30 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW
31 9A.44.130; (b) any person under the jurisdiction of the indeterminate
32 sentence review board as the result of a sex offense or kidnapping
33 offense; (c) any person committed as a sexually violent predator under
34 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
35 (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 subsections (5) and (6) of this section, the extent of the public
6 disclosure of relevant and necessary information shall be rationally
7 related to: (a) The level of risk posed by the offender to the
8 community; (b) the locations where the offender resides, expects to
9 reside, or is regularly found; and (c) the needs of the affected
10 community members for information to enhance their individual and
11 collective safety.

12 (3) Except for the information specifically required under
13 subsections (5) and (6) of this section, local law enforcement agencies
14 shall consider the following guidelines in determining the extent of a
15 public disclosure made under this section: (a) For offenders
16 classified as risk level I, the agency shall share information with
17 other appropriate law enforcement agencies and may disclose, upon
18 request, relevant, necessary, and accurate information to any victim or
19 witness to the offense and to any individual community member who lives
20 near the residence where the offender resides, expects to reside, or is
21 regularly found; (b) for offenders classified as risk level II, the
22 agency may also disclose relevant, necessary, and accurate information
23 to public and private schools, child day care centers, family day care
24 providers, businesses and organizations that serve primarily children,
25 women, or vulnerable adults, and neighbors and community groups near
26 the residence where the offender resides, expects to reside, or is
27 regularly found; (c) for offenders classified as risk level III, the
28 agency may also disclose relevant, necessary, and accurate information
29 to the public at large; and (d) because more localized notification is
30 not feasible and homeless and transient offenders may present unique
31 risks to the community, the agency may also disclose relevant,
32 necessary, and accurate information to the public at large for
33 offenders registered as homeless or transient.

34 (4) The county sheriff with whom an offender classified as risk
35 level III is registered shall cause to be published by legal notice,
36 advertising, or news release a sex offender community notification that
37 conforms to the guidelines established under RCW 4.24.5501 in at least

1 one legal newspaper with general circulation in the area of the sex
2 offender's registered address or location. The county sheriff shall
3 also cause to be published consistent with this subsection a current
4 list of level III registered sex offenders, twice yearly. Unless the
5 information is posted on the web site described in subsection (5) of
6 this section, this list shall be maintained by the county sheriff on a
7 publicly accessible web site and shall be updated at least once per
8 month.

9 (5)(a) When funded by federal grants or other sources, the
10 Washington association of sheriffs and police chiefs shall create and
11 maintain a statewide registered sex offender web site, which shall be
12 available to the public. The web site shall post all level III and
13 level II registered sex offenders in the state of Washington.

14 (i) For level III offenders, the web site shall contain, but is not
15 limited to, the registered sex offender's name, relevant criminal
16 convictions, address by hundred block, physical description, and
17 photograph. The web site shall provide mapping capabilities that
18 display the sex offender's address by hundred block on a map. The web
19 site shall allow citizens to search for registered sex offenders within
20 the state of Washington by county, city, zip code, last name, type of
21 conviction, and address by hundred block.

22 (ii) For level II offenders, the web site shall contain, but is not
23 limited to, the same information and functionality as described in
24 (a)(i) of this subsection, provided that it is permissible under state
25 and federal law. If it is not permissible, the web site shall be
26 limited to the information and functionality that is permissible under
27 state and federal law.

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

32 (6) The county sheriff shall maintain a list of public and private
33 schools regulated under Title 28A RCW where registered sex offenders
34 are enrolled in the county. The list must contain the names of the
35 registered sex offenders in each school organized by school. The
36 county sheriff shall update the list at least once per month. The

1 county sheriff shall provide the list to persons who request it, but
2 may not otherwise publish or disseminate the list.

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

17 ((+7)) (8) An appointed or elected public official, public
18 employee, or public agency as defined in RCW 4.24.470, or units of
19 local government and its employees, as provided in RCW 36.28A.010, are
20 immune from civil liability for damages for any discretionary risk
21 level classification decisions or release of relevant and necessary
22 information, unless it is shown that the official, employee, or agency
23 acted with gross negligence or in bad faith. The immunity in this
24 section applies to risk level classification decisions and the release
25 of relevant and necessary information regarding any individual for whom
26 disclosure is authorized. The decision of a local law enforcement
27 agency or official to classify an offender to a risk level other than
28 the one assigned by the department of corrections, the department of
29 social and health services, or the indeterminate sentence review board,
30 or the release of any relevant and necessary information based on that
31 different classification shall not, by itself, be considered gross
32 negligence or bad faith. The immunity provided under this section
33 applies to the release of relevant and necessary information to other
34 public officials, public employees, or public agencies, and to the
35 general public.

36 ((+8)) (9) Except as may otherwise be provided by law, nothing in

1 this section shall impose any liability upon a public official, public
2 employee, or public agency for failing to release information
3 authorized under this section.

4 ~~((9))~~ (10) Nothing in this section implies that information
5 regarding persons designated in subsection (1) of this section is
6 confidential except as may otherwise be provided by law.

7 ~~((10))~~ (11) When a local law enforcement agency or official
8 classifies an offender differently than the offender is classified by
9 the end of sentence review committee or the department of social and
10 health services at the time of the offender's release from confinement,
11 the law enforcement agency or official shall notify the end of sentence
12 review committee or the department of social and health services and
13 submit its reasons supporting the change in classification. Upon
14 implementation of subsection (5)(a) of this section, notification of
15 the change shall also be sent to the Washington association of sheriffs
16 and police chiefs.

17 NEW SECTION. **Sec. 3.** If any part of this act is found to be in
18 conflict with federal requirements that are a prescribed condition to
19 the allocation of federal funds to the state, the conflicting part of
20 this act is inoperative solely to the extent of the conflict and with
21 respect to the agencies directly affected, and this finding does not
22 affect the operation of the remainder of this act in its application to
23 the agencies concerned. Rules adopted under this act must meet federal
24 requirements that are a necessary condition to the receipt of federal
25 funds by the state.

26 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2004."

27 Correct the title.

EFFECT: (1) Expands the notification obligation of a person
registering as a sex or kidnapping offender to require the person to
notify the county sheriff of any changes in enrollment status,
specifies which sheriff the person is to notify, and creates a defense

to the failure to provide notice fourteen days in advance of enrollment if the person did not know the location of the school fourteen days in advance.

(2) Imposes a penalty for failure to notify the sheriff of the change in enrollment.

(3) Requires the sheriff to maintain a list of sex offenders attending each school in the county and provide the list to persons who request it.

(4) Adds a federal severability clause.

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