

**ESHB 1904** - S AMD TO HEA COMM AMD (S2749.1) **333**

By Senators Roach, Rossi, Rasmussen, Keiser, Eide

RULED BEYOND SCOPE 04/11/2003

1 On page 5, after line 23 of the amendment, insert the following:

2 "Sec. 3. RCW 4.24.550 and 2002 c 118 s 1 are each amended to read  
3 as follows:

4 (1) In addition to the disclosure under subsection (5) of this  
5 section, public agencies are authorized to release information to the  
6 public regarding sex offenders and kidnapping offenders when the agency  
7 determines that disclosure of the information is relevant and necessary  
8 to protect the public and counteract the danger created by the  
9 particular offender. This authorization applies to information  
10 regarding: (a) Any person adjudicated or convicted of a sex offense as  
11 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW  
12 9A.44.130; (b) any person under the jurisdiction of the indeterminate  
13 sentence review board as the result of a sex offense or kidnapping  
14 offense; (c) any person committed as a sexually violent predator under  
15 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;  
16 (d) any person found not guilty of a sex offense or kidnapping offense  
17 by reason of insanity under chapter 10.77 RCW; and (e) any person found  
18 incompetent to stand trial for a sex offense or kidnapping offense and  
19 subsequently committed under chapter 71.05 or 71.34 RCW.

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

27 (3) Except for the information specifically required under  
28 subsection (5) of this section, local law enforcement agencies shall  
29 consider the following guidelines in determining the extent of a public  
30 disclosure made under this section: (a) For offenders classified as  
31 risk level I, the agency shall share information with other appropriate

1 law enforcement agencies and may disclose, upon request, relevant,  
2 necessary, and accurate information to any victim or witness to the  
3 offense and to any individual community member who lives near the  
4 residence where the offender resides, expects to reside, or is  
5 regularly found; (b) for offenders classified as risk level II, the  
6 agency may also disclose relevant, necessary, and accurate information  
7 to public and private schools, child day care centers, family day care  
8 providers, businesses and organizations that serve primarily children,  
9 women, or vulnerable adults, and neighbors and community groups near  
10 the residence where the offender resides, expects to reside, or is  
11 regularly found; (c) for offenders classified as risk level III, the  
12 agency may also disclose relevant, necessary, and accurate information  
13 to the public at large; and (d) because more localized notification is  
14 not feasible and homeless and transient offenders may present unique  
15 risks to the community, the agency may also disclose relevant,  
16 necessary, and accurate information to the public at large for  
17 offenders registered as homeless or transient.

18 (4) The county sheriff with whom an offender classified as risk  
19 level III is registered shall cause to be published by legal notice,  
20 advertising, or news release a sex offender community notification that  
21 conforms to the guidelines established under RCW 4.24.5501 in at least  
22 one legal newspaper with general circulation in the area of the sex  
23 offender's registered address or location. The county sheriff shall  
24 also cause to be published consistent with this subsection a current  
25 list of level III registered sex offenders, twice yearly. Unless the  
26 information is posted on the web site described in subsection (5) of  
27 this section, this list shall be maintained by the county sheriff on a  
28 publicly accessible web site and shall be updated at least once per  
29 month.

30 (5)(a) When funded by federal grants or other sources (~~other than~~  
31 ~~state funds~~), the Washington association of sheriffs and police chiefs  
32 shall create and maintain a statewide registered sex offender web site,  
33 which shall be available to the public. The web site shall post all  
34 level III registered sex offenders in the state of Washington. The web  
35 site shall contain, but is not limited to, the registered sex  
36 offender's name, relevant criminal convictions, address by hundred  
37 block, physical description, and photograph. The web site shall

1 provide mapping capabilities that display the sex offender's address by  
2 hundred block on a map. The web site shall allow citizens to search  
3 for registered sex offenders within the state of Washington by county,  
4 city, zip code, last name, type of conviction, and address by hundred  
5 block.

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

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

24 (7) An appointed or elected public official, public employee, or  
25 public agency as defined in RCW 4.24.470, or units of local government  
26 and its employees, as provided in RCW 36.28A.010, are immune from civil  
27 liability for damages for any discretionary risk level classification  
28 decisions or release of relevant and necessary information, unless it  
29 is shown that the official, employee, or agency acted with gross  
30 negligence or in bad faith. The immunity in this section applies to  
31 risk level classification decisions and the release of relevant and  
32 necessary information regarding any individual for whom disclosure is  
33 authorized. The decision of a local law enforcement agency or official  
34 to classify an offender to a risk level other than the one assigned by  
35 the department of corrections, the department of social and health  
36 services, or the indeterminate sentence review board, or the release of  
37 any relevant and necessary information based on that different

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

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

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

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

23 Renumber the remaining section consecutively.

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24 Beginning on page 5, line 28, strike the title amendment and insert  
25 the following:

26 On page 1, line 1 of the title, after "reporting of" insert "sex  
27 offender information and"

1        On page 1, line 2 of the title, after "74.34.020" strike "and  
2        74.34.035" and insert "74.34.035, and 4.24.550"

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