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HOUSE BILL 1237

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By Representatives Pearson, O'Brien, Sump, Miloscia, Kristiansen, Berkey, McDonald, Anderson, Sullivan, Delvin, Pflug, Bailey, Priest, Bush, Benson, Condotta, Campbell, McMahan, Haigh and Woods

Read first time 01/21/2003. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to registered sex offenders in schools; amending  
2 RCW 9A.44.130 and 4.24.550; and creating a new section.

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

4 **Sec. 1.** RCW 9A.44.130 and 2002 c 31 s 1 are each amended to read  
5 as follows:

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

1 the time of release from custody with an official designated by the  
2 agency that has jurisdiction over the person. In addition, any such  
3 adult or juvenile who is admitted to a public or private institution of  
4 higher education shall, within ten days of enrolling or by the first  
5 business day after arriving at the institution, whichever is earlier,  
6 notify the sheriff for the county of the person's residence of the  
7 person's intent to attend the institution. Persons required to  
8 register under this section who are enrolled in a public or private  
9 institution of higher education on June 11, 1998, must notify the  
10 county sheriff immediately. The sheriff shall notify the institution's  
11 department of public safety and shall provide that department with the  
12 same information provided to a county sheriff under subsection (3) of  
13 this section.

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

17 (3)(a) The person shall provide the following information when  
18 registering: (i) Name; (ii) address; (iii) date and place of birth;  
19 (iv) place of employment; (v) crime for which convicted; (vi) date and  
20 place of conviction; (vii) aliases used; (viii) Social Security number;  
21 (ix) photograph; and (x) fingerprints.

22 (b) Any person who lacks a fixed residence shall provide the  
23 following information when registering: (i) Name; (ii) date and place  
24 of birth; (iii) place of employment; (iv) crime for which convicted;  
25 (v) date and place of conviction; (vi) aliases used; (vii) Social  
26 Security number; (viii) photograph; (ix) fingerprints; and (x) where he  
27 or she plans to stay.

28 (c) Any person who is attending, or is planning to attend, a public  
29 or private school regulated under Title 28A RCW shall provide the name  
30 and address of his or her school when registering.

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

35 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
36 offense on, before, or after February 28, 1990, and who, on or after  
37 July 28, 1991, are in custody, as a result of that offense, of the  
38 state department of corrections, the state department of social and

1 health services, a local division of youth services, or a local jail or  
2 juvenile detention facility, and (B) kidnapping offenders who on or  
3 after July 27, 1997, are in custody of the state department of  
4 corrections, the state department of social and health services, a  
5 local division of youth services, or a local jail or juvenile detention  
6 facility, must register at the time of release from custody with an  
7 official designated by the agency that has jurisdiction over the  
8 offender. The agency shall within three days forward the registration  
9 information to the county sheriff for the county of the offender's  
10 anticipated residence. The offender must also register within twenty-  
11 four hours from the time of release with the county sheriff for the  
12 county of the person's residence, or if the person is not a resident of  
13 Washington, the county of the person's school, or place of employment  
14 or vocation. The agency that has jurisdiction over the offender shall  
15 provide notice to the offender of the duty to register. Failure to  
16 register at the time of release and within twenty-four hours of release  
17 constitutes a violation of this section and is punishable as provided  
18 in subsection (~~((10))~~) (11) of this section.

19 When the agency with jurisdiction intends to release an offender  
20 with a duty to register under this section, and the agency has  
21 knowledge that the offender is eligible for developmental disability  
22 services from the department of social and health services, the agency  
23 shall notify the division of developmental disabilities of the release.  
24 Notice shall occur not more than thirty days before the offender is to  
25 be released. The agency and the division shall assist the offender in  
26 meeting the initial registration requirement under this section.  
27 Failure to provide such assistance shall not constitute a defense for  
28 any violation of this section.

29 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
30 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody  
31 but are under the jurisdiction of the indeterminate sentence review  
32 board or under the department of correction's active supervision, as  
33 defined by the department of corrections, the state department of  
34 social and health services, or a local division of youth services, for  
35 sex offenses committed before, on, or after February 28, 1990, must  
36 register within ten days of July 28, 1991. Kidnapping offenders who,  
37 on July 27, 1997, are not in custody but are under the jurisdiction of  
38 the indeterminate sentence review board or under the department of

1 correction's active supervision, as defined by the department of  
2 corrections, the state department of social and health services, or a  
3 local division of youth services, for kidnapping offenses committed  
4 before, on, or after July 27, 1997, must register within ten days of  
5 July 27, 1997. A change in supervision status of a sex offender who  
6 was required to register under this subsection (4)(a)(ii) as of July  
7 28, 1991, or a kidnapping offender required to register as of July 27,  
8 1997, shall not relieve the offender of the duty to register or to  
9 reregister following a change in residence. The obligation to register  
10 shall only cease pursuant to RCW 9A.44.140.

11 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
12 or after July 23, 1995, and kidnapping offenders who, on or after July  
13 27, 1997, as a result of that offense are in the custody of the United  
14 States bureau of prisons or other federal or military correctional  
15 agency for sex offenses committed before, on, or after February 28,  
16 1990, or kidnapping offenses committed on, before, or after July 27,  
17 1997, must register within twenty-four hours from the time of release  
18 with the county sheriff for the county of the person's residence, or if  
19 the person is not a resident of Washington, the county of the person's  
20 school, or place of employment or vocation. Sex offenders who, on July  
21 23, 1995, are not in custody but are under the jurisdiction of the  
22 United States bureau of prisons, United States courts, United States  
23 parole commission, or military parole board for sex offenses committed  
24 before, on, or after February 28, 1990, must register within ten days  
25 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not  
26 in custody but are under the jurisdiction of the United States bureau  
27 of prisons, United States courts, United States parole commission, or  
28 military parole board for kidnapping offenses committed before, on, or  
29 after July 27, 1997, must register within ten days of July 27, 1997.  
30 A change in supervision status of a sex offender who was required to  
31 register under this subsection (4)(a)(iii) as of July 23, 1995, or a  
32 kidnapping offender required to register as of July 27, 1997 shall not  
33 relieve the offender of the duty to register or to reregister following  
34 a change in residence, or if the person is not a resident of  
35 Washington, the county of the person's school, or place of employment  
36 or vocation. The obligation to register shall only cease pursuant to  
37 RCW 9A.44.140.

1 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
2 who are convicted of a sex offense on or after July 28, 1991, for a sex  
3 offense that was committed on or after February 28, 1990, and  
4 kidnapping offenders who are convicted on or after July 27, 1997, for  
5 a kidnapping offense that was committed on or after July 27, 1997, but  
6 who are not sentenced to serve a term of confinement immediately upon  
7 sentencing, shall report to the county sheriff to register immediately  
8 upon completion of being sentenced.

9 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
10 RESIDENTS. Sex offenders and kidnapping offenders who move to  
11 Washington state from another state or a foreign country that are not  
12 under the jurisdiction of the state department of corrections, the  
13 indeterminate sentence review board, or the state department of social  
14 and health services at the time of moving to Washington, must register  
15 within thirty days of establishing residence or reestablishing  
16 residence if the person is a former Washington resident. The duty to  
17 register under this subsection applies to sex offenders convicted under  
18 the laws of another state or a foreign country, federal or military  
19 statutes, or Washington state for offenses committed on or after  
20 February 28, 1990, and to kidnapping offenders convicted under the laws  
21 of another state or a foreign country, federal or military statutes, or  
22 Washington state for offenses committed on or after July 27, 1997. Sex  
23 offenders and kidnapping offenders from other states or a foreign  
24 country who, when they move to Washington, are under the jurisdiction  
25 of the department of corrections, the indeterminate sentence review  
26 board, or the department of social and health services must register  
27 within twenty-four hours of moving to Washington. The agency that has  
28 jurisdiction over the offender shall notify the offender of the  
29 registration requirements before the offender moves to Washington.

30 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
31 or juvenile who has been found not guilty by reason of insanity under  
32 chapter 10.77 RCW of (A) committing a sex offense on, before, or after  
33 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
34 as a result of that finding, of the state department of social and  
35 health services, or (B) committing a kidnapping offense on, before, or  
36 after July 27, 1997, and who on or after July 27, 1997, is in custody,  
37 as a result of that finding, of the state department of social and  
38 health services, must register within twenty-four hours from the time

1 of release with the county sheriff for the county of the person's  
2 residence. The state department of social and health services shall  
3 provide notice to the adult or juvenile in its custody of the duty to  
4 register. Any adult or juvenile who has been found not guilty by  
5 reason of insanity of committing a sex offense on, before, or after  
6 February 28, 1990, but who was released before July 23, 1995, or any  
7 adult or juvenile who has been found not guilty by reason of insanity  
8 of committing a kidnapping offense but who was released before July 27,  
9 1997, shall be required to register within twenty-four hours of  
10 receiving notice of this registration requirement. The state  
11 department of social and health services shall make reasonable attempts  
12 within available resources to notify sex offenders who were released  
13 before July 23, 1995, and kidnapping offenders who were released before  
14 July 27, 1997. Failure to register within twenty-four hours of  
15 release, or of receiving notice, constitutes a violation of this  
16 section and is punishable as provided in subsection (~~(10)~~) (11) of  
17 this section.

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

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

28 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
29 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
30 who move to another state, or who work, carry on a vocation, or attend  
31 school in another state shall register a new address, fingerprints, and  
32 photograph with the new state within ten days after establishing  
33 residence, or after beginning to work, carry on a vocation, or attend  
34 school in the new state. The person must also send written notice  
35 within ten days of moving to the new state or to a foreign country to  
36 the county sheriff with whom the person last registered in Washington  
37 state. The county sheriff shall promptly forward this information to  
38 the Washington state patrol.

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

6 (c) An arrest on charges of failure to register, service of an  
7 information, or a complaint for a violation of this section, or  
8 arraignment on charges for a violation of this section, constitutes  
9 actual notice of the duty to register. Any person charged with the  
10 crime of failure to register under this section who asserts as a  
11 defense the lack of notice of the duty to register shall register  
12 immediately following actual notice of the duty through arrest,  
13 service, or arraignment. Failure to register as required under this  
14 subsection (4)(c) constitutes grounds for filing another charge of  
15 failing to register. Registering following arrest, service, or  
16 arraignment on charges shall not relieve the offender from criminal  
17 liability for failure to register prior to the filing of the original  
18 charge.

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

22 (5)(a) If any person required to register pursuant to this section  
23 changes his or her residence address within the same county, the person  
24 must send written notice of the change of address to the county sheriff  
25 within seventy-two hours of moving. If any person required to register  
26 pursuant to this section moves to a new county, the person must send  
27 written notice of the change of address at least fourteen days before  
28 moving to the county sheriff in the new county of residence and must  
29 register with that county sheriff within twenty-four hours of moving.  
30 The person must also send written notice within ten days of the change  
31 of address in the new county to the county sheriff with whom the person  
32 last registered. The county sheriff with whom the person last  
33 registered shall promptly forward the information concerning the change  
34 of address to the county sheriff for the county of the person's new  
35 residence. Upon receipt of notice of change of address to a new state,  
36 the county sheriff shall promptly forward the information regarding the  
37 change of address to the agency designated by the new state as the  
38 state's offender registration agency.

1 (b) It is an affirmative defense to a charge that the person failed  
2 to send a notice at least fourteen days in advance of moving as  
3 required under (a) of this subsection that the person did not know the  
4 location of his or her new residence at least fourteen days before  
5 moving. The defendant must establish the defense by a preponderance of  
6 the evidence and, to prevail on the defense, must also prove by a  
7 preponderance that the defendant sent the required notice within  
8 twenty-four hours of determining the new address.

9 (6)(a) Any person required to register under this section who lacks  
10 a fixed residence shall provide written notice to the sheriff of the  
11 county where he or she last registered within forty-eight hours  
12 excluding weekends and holidays after ceasing to have a fixed  
13 residence. The notice shall include the information required by  
14 subsection (3)(b) of this section, except the photograph and  
15 fingerprints. The county sheriff may, for reasonable cause, require  
16 the offender to provide a photograph and fingerprints. The sheriff  
17 shall forward this information to the sheriff of the county in which  
18 the person intends to reside, if the person intends to reside in  
19 another county.

20 (b) A person who lacks a fixed residence must report weekly, in  
21 person, to the sheriff of the county where he or she is registered.  
22 The weekly report shall be on a day specified by the county sheriff's  
23 office, and shall occur during normal business hours. The county  
24 sheriff's office may require the person to list the locations where the  
25 person has stayed during the last seven days. The lack of a fixed  
26 residence is a factor that may be considered in determining an  
27 offender's risk level and shall make the offender subject to disclosure  
28 of information to the public at large pursuant to RCW 4.24.550.

29 (c) If any person required to register pursuant to this section  
30 does not have a fixed residence, it is an affirmative defense to the  
31 charge of failure to register, that he or she provided written notice  
32 to the sheriff of the county where he or she last registered within  
33 forty-eight hours excluding weekends and holidays after ceasing to have  
34 a fixed residence and has subsequently complied with the requirements  
35 of subsections (4)(a)(vii) or (viii) and (6) of this section. To  
36 prevail, the person must prove the defense by a preponderance of the  
37 evidence.



1 (7) A sex offender subject to registration requirements under this  
2 section who applies to change his or her name under RCW 4.24.130 or any  
3 other law shall submit a copy of the application to the county sheriff  
4 of the county of the person's residence and to the state patrol not  
5 fewer than five days before the entry of an order granting the name  
6 change. No sex offender under the requirement to register under this  
7 section at the time of application shall be granted an order changing  
8 his or her name if the court finds that doing so will interfere with  
9 legitimate law enforcement interests, except that no order shall be  
10 denied when the name change is requested for religious or legitimate  
11 cultural reasons or in recognition of marriage or dissolution of  
12 marriage. A sex offender under the requirement to register under this  
13 section who receives an order changing his or her name shall submit a  
14 copy of the order to the county sheriff of the county of the person's  
15 residence and to the state patrol within five days of the entry of the  
16 order.

17 (8)(a) If a person required to register under this section enrolls  
18 in a new public or private school regulated under Title 28A RCW within  
19 the same county in which he or she is registered, graduates from high  
20 school, or ceases to attend school, the person must send written notice  
21 of the new enrollment, graduation, or cessation of schooling to the  
22 county sheriff within seventy-two hours of the enrollment, graduation,  
23 or cessation. If a person required to register under this section  
24 enrolls in a new public or private school regulated under Title 28A RCW  
25 in a different county than the county in which he or she is registered,  
26 the person must send notice of the new enrollment to the county  
27 sheriff in the new county within fourteen days of the enrollment,  
28 unless the person is already required to register in the new county  
29 under subsection (5) of this section. The person must also send  
30 written notice within ten days of the new enrollment in the new county  
31 to the county sheriff with whom the person last registered. The county  
32 sheriff with whom the person last registered shall promptly forward the  
33 information concerning the new enrollment to the county sheriff for the  
34 county of the person's new enrollment.

35 (b) It is an affirmative defense to a charge that the person failed  
36 to send a notice at least fourteen days in advance of a new enrollment  
37 under (a) of this subsection that the person did not know the location  
38 of his or her new school at least fourteen days in advance. The

1 defendant must establish the defense by a preponderance of the evidence  
2 and, to prevail on the defense, must also prove by a preponderance that  
3 the defendant sent the required notice within twenty-four hours of  
4 determining the new address.

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

7 ((+9)) (10) For the purpose of RCW 9A.44.130, 10.01.200,  
8 43.43.540, 70.48.470, and 72.09.330:

9 (a) "Sex offense" means:

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

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

13 (iii) Any violation under RCW 9.68A.090 (communication with a minor  
14 for immoral purposes);

15 (iv) Any federal or out-of-state conviction for an offense that  
16 under the laws of this state would be classified as a sex offense under  
17 this subsection; and

18 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
19 criminal attempt, criminal solicitation, or criminal conspiracy to  
20 commit an offense that is classified as a sex offense under RCW  
21 9.94A.030 or this subsection.

22 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
23 the first degree, kidnapping in the second degree, and unlawful  
24 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
25 minor and the offender is not the minor's parent; (ii) any offense that  
26 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
27 or criminal conspiracy to commit an offense that is classified as a  
28 kidnapping offense under this subsection ((+9)) (10)(b); and (iii) any  
29 federal or out-of-state conviction for an offense that under the laws  
30 of this state would be classified as a kidnapping offense under this  
31 subsection ((+9)) (10)(b).

32 (c) "Employed" or "carries on a vocation" means employment that is  
33 full-time or part-time for a period of time exceeding fourteen days, or  
34 for an aggregate period of time exceeding thirty days during any  
35 calendar year. A person is employed or carries on a vocation whether  
36 the person's employment is financially compensated, volunteered, or for  
37 the purpose of government or educational benefit.

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

5 ~~((+10+))~~ (11) A person who knowingly fails to register with the  
6 county sheriff or notify the county sheriff, or who changes his or her  
7 name without notifying the county sheriff and the state patrol, as  
8 required by this section is guilty of a class C felony if the crime for  
9 which the individual was convicted was a felony sex offense as defined  
10 in subsection ~~((+9+))~~ (10)(a) of this section or a federal or out-of-  
11 state conviction for an offense that under the laws of this state would  
12 be a felony sex offense as defined in subsection ~~((+9+))~~ (10)(a) of  
13 this section. If the crime was other than a felony or a federal or  
14 out-of-state conviction for an offense that under the laws of this  
15 state would be other than a felony, violation of this section is a  
16 gross misdemeanor.

17 ~~((+11+))~~ (12) A person who knowingly fails to register ~~((+9+))~~, who  
18 moves within the state without notifying the county sheriff, or who  
19 enrolls in a new public or private school regulated under Title 28A RCW  
20 within the state without notifying the county sheriff as required by  
21 this section is guilty of a class C felony if the crime for which the  
22 individual was convicted was a felony kidnapping offense as defined in  
23 subsection ~~((+9+))~~ (10)(b) of this section or a federal or out-of-state  
24 conviction for an offense that under the laws of this state would be a  
25 felony kidnapping offense as defined in subsection ~~((+9+))~~ (10)(b) of  
26 this section. If the crime was other than a felony or a federal or  
27 out-of-state conviction for an offense that under the laws of this  
28 state would be other than a felony, violation of this section is a  
29 gross misdemeanor.

30 **Sec. 2.** RCW 4.24.550 and 2002 c 118 s 1 are each amended to read  
31 as follows:

32 (1) In addition to the disclosure under subsections (5) and (6) of  
33 this section, public agencies are authorized to release information to  
34 the public regarding sex offenders and kidnapping offenders when the  
35 agency determines that disclosure of the information is relevant and  
36 necessary to protect the public and counteract the danger created by  
37 the particular offender. This authorization applies to information

1 regarding: (a) Any person adjudicated or convicted of a sex offense as  
2 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW  
3 9A.44.130; (b) any person under the jurisdiction of the indeterminate  
4 sentence review board as the result of a sex offense or kidnapping  
5 offense; (c) any person committed as a sexually violent predator under  
6 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;  
7 (d) any person found not guilty of a sex offense or kidnapping offense  
8 by reason of insanity under chapter 10.77 RCW; and (e) any person found  
9 incompetent to stand trial for a sex offense or kidnapping offense and  
10 subsequently committed under chapter 71.05 or 71.34 RCW.

11 (2) Except for the information specifically required under  
12 subsections (5) and (6) of this section, the extent of the public  
13 disclosure of relevant and necessary information shall be rationally  
14 related to: (a) The level of risk posed by the offender to the  
15 community; (b) the locations where the offender resides, expects to  
16 reside, or is regularly found; and (c) the needs of the affected  
17 community members for information to enhance their individual and  
18 collective safety.

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

1 risks to the community, the agency may also disclose relevant,  
2 necessary, and accurate information to the public at large for  
3 offenders registered as homeless or transient.

4 (4) The county sheriff with whom an offender classified as risk  
5 level III is registered shall cause to be published by legal notice,  
6 advertising, or news release a sex offender community notification that  
7 conforms to the guidelines established under RCW 4.24.5501 in at least  
8 one legal newspaper with general circulation in the area of the sex  
9 offender's registered address or location. The county sheriff shall  
10 also cause to be published consistent with this subsection a current  
11 list of level III registered sex offenders, twice yearly. Unless the  
12 information is posted on the web site described in subsection (5) of  
13 this section, this list shall be maintained by the county sheriff on a  
14 publicly accessible web site and shall be updated at least once per  
15 month.

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

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

33 (6) The county sheriff shall maintain a list of public and private  
34 schools regulated under Title 28A RCW where registered sex offenders  
35 are enrolled in the county. The list must contain the names of the  
36 registered sex offenders in each school organized by school. The  
37 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  
37 this section shall impose any liability upon a public official, public

1 employee, or public agency for failing to release information  
2 authorized under this section.

3 ~~((+9))~~ (10) Nothing in this section implies that information  
4 regarding persons designated in subsection (1) of this section is  
5 confidential except as may otherwise be provided by law.

6 ~~((+10))~~ (11) When a local law enforcement agency or official  
7 classifies an offender differently than the offender is classified by  
8 the end of sentence review committee or the department of social and  
9 health services at the time of the offender's release from confinement,  
10 the law enforcement agency or official shall notify the end of sentence  
11 review committee ~~((of-[or]))~~ or the department of social and health  
12 services and submit its reasons supporting the change in  
13 classification. Upon implementation of subsection (5)(a) of this  
14 section, notification of the change shall also be sent to the  
15 Washington association of sheriffs and police chiefs.

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

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