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HOUSE BILL 1201

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Pearson, O'Brien, Woods, Lovick, Kristiansen, McDonald, Roach, Ahern, Priest, Walsh, Strow, Rodne, Buri, Holmquist, Condotta, Simpson, Shabro and Armstrong

Read first time 01/18/2005. Referred to Committee on Juvenile Justice & Family Law.

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

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

5 **Sec. 1.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are  
6 each reenacted and amended to read as follows:

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

1 a sex offense or kidnapping offense, the person shall also register at  
2 the time of release from custody with an official designated by the  
3 agency that has jurisdiction over the person. In addition, any such  
4 adult or juvenile: (a) Who is admitted to a public or private  
5 institution of higher education shall, within ten days of enrolling or  
6 by the first business day after arriving at the institution, whichever  
7 is earlier, notify the sheriff for the county of the person's residence  
8 of the person's intent to attend the institution; (b) who gains  
9 employment at a public or private institution of higher education  
10 shall, within ten days of accepting employment or by the first business  
11 day after commencing work at the institution, whichever is earlier,  
12 notify the sheriff for the county of the person's residence of the  
13 person's employment by the institution; or (c) whose enrollment or  
14 employment at a public or private institution of higher education is  
15 terminated shall, within ten days of such termination, notify the  
16 sheriff for the county of the person's residence of the person's  
17 termination of enrollment or employment at the institution. Persons  
18 required to register under this section who are enrolled in a public or  
19 private institution of higher education on June 11, 1998, must notify  
20 the county sheriff immediately. The sheriff shall notify the  
21 institution's department of public safety and shall provide that  
22 department with the same information provided to a county sheriff under  
23 subsection (3) of this section.

24 (2) This section may not be construed to confer any powers pursuant  
25 to RCW (~~4.24.500~~) 4.24.550 upon the public safety department of any  
26 public or private institution of higher education.

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

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

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

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

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

30        When the agency with jurisdiction intends to release an offender  
31 with a duty to register under this section, and the agency has  
32 knowledge that the offender is eligible for developmental disability  
33 services from the department of social and health services, the agency  
34 shall notify the division of developmental disabilities of the release.  
35 Notice shall occur not more than thirty days before the offender is to  
36 be released. The agency and the division shall assist the offender in  
37 meeting the initial registration requirement under this section.

1 Failure to provide such assistance shall not constitute a defense for  
2 any violation of this section.

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

23 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
24 or after July 23, 1995, and kidnapping offenders who, on or after July  
25 27, 1997, as a result of that offense are in the custody of the United  
26 States bureau of prisons or other federal or military correctional  
27 agency for sex offenses committed before, on, or after February 28,  
28 1990, or kidnapping offenses committed on, before, or after July 27,  
29 1997, must register within twenty-four hours from the time of release  
30 with the county sheriff for the county of the person's residence, or if  
31 the person is not a resident of Washington, the county of the person's  
32 school, or place of employment or vocation. Sex offenders who, on July  
33 23, 1995, are not in custody but are under the jurisdiction of the  
34 United States bureau of prisons, United States courts, United States  
35 parole commission, or military parole board for sex offenses committed  
36 before, on, or after February 28, 1990, must register within ten days  
37 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not  
38 in custody but are under the jurisdiction of the United States bureau

1 of prisons, United States courts, United States parole commission, or  
2 military parole board for kidnapping offenses committed before, on, or  
3 after July 27, 1997, must register within ten days of July 27, 1997.  
4 A change in supervision status of a sex offender who was required to  
5 register under this subsection (4)(a)(iii) as of July 23, 1995, or a  
6 kidnapping offender required to register as of July 27, 1997 shall not  
7 relieve the offender of the duty to register or to reregister following  
8 a change in residence, or if the person is not a resident of  
9 Washington, the county of the person's school, or place of employment  
10 or vocation. The obligation to register shall only cease pursuant to  
11 RCW 9A.44.140.

12 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
13 who are convicted of a sex offense on or after July 28, 1991, for a sex  
14 offense that was committed on or after February 28, 1990, and  
15 kidnapping offenders who are convicted on or after July 27, 1997, for  
16 a kidnapping offense that was committed on or after July 27, 1997, but  
17 who are not sentenced to serve a term of confinement immediately upon  
18 sentencing, shall report to the county sheriff to register immediately  
19 upon completion of being sentenced.

20 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
21 RESIDENTS. Sex offenders and kidnapping offenders who move to  
22 Washington state from another state or a foreign country that are not  
23 under the jurisdiction of the state department of corrections, the  
24 indeterminate sentence review board, or the state department of social  
25 and health services at the time of moving to Washington, must register  
26 within thirty days of establishing residence or reestablishing  
27 residence if the person is a former Washington resident. The duty to  
28 register under this subsection applies to sex offenders convicted under  
29 the laws of another state or a foreign country, federal or military  
30 statutes, or Washington state for offenses committed on or after  
31 February 28, 1990, and to kidnapping offenders convicted under the laws  
32 of another state or a foreign country, federal or military statutes, or  
33 Washington state for offenses committed on or after July 27, 1997. Sex  
34 offenders and kidnapping offenders from other states or a foreign  
35 country who, when they move to Washington, are under the jurisdiction  
36 of the department of corrections, the indeterminate sentence review  
37 board, or the department of social and health services must register

1 within twenty-four hours of moving to Washington. The agency that has  
2 jurisdiction over the offender shall notify the offender of the  
3 registration requirements before the offender moves to Washington.

4 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
5 or juvenile who has been found not guilty by reason of insanity under  
6 chapter 10.77 RCW of (A) committing a sex offense on, before, or after  
7 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
8 as a result of that finding, of the state department of social and  
9 health services, or (B) committing a kidnapping offense on, before, or  
10 after July 27, 1997, and who on or after July 27, 1997, is in custody,  
11 as a result of that finding, of the state department of social and  
12 health services, must register within twenty-four hours from the time  
13 of release with the county sheriff for the county of the person's  
14 residence. The state department of social and health services shall  
15 provide notice to the adult or juvenile in its custody of the duty to  
16 register. Any adult or juvenile who has been found not guilty by  
17 reason of insanity of committing a sex offense on, before, or after  
18 February 28, 1990, but who was released before July 23, 1995, or any  
19 adult or juvenile who has been found not guilty by reason of insanity  
20 of committing a kidnapping offense but who was released before July 27,  
21 1997, shall be required to register within twenty-four hours of  
22 receiving notice of this registration requirement. The state  
23 department of social and health services shall make reasonable attempts  
24 within available resources to notify sex offenders who were released  
25 before July 23, 1995, and kidnapping offenders who were released before  
26 July 27, 1997. Failure to register within twenty-four hours of  
27 release, or of receiving notice, constitutes a violation of this  
28 section and is punishable as provided in subsection (~~(10)~~) (11) of  
29 this section.

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

36 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER  
37 SUPERVISION. Offenders who lack a fixed residence and who are under

1 the supervision of the department shall register in the county of their  
2 supervision.

3 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
4 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
5 who move to another state, or who work, carry on a vocation, or attend  
6 school in another state shall register a new address, fingerprints, and  
7 photograph with the new state within ten days after establishing  
8 residence, or after beginning to work, carry on a vocation, or attend  
9 school in the new state. The person must also send written notice  
10 within ten days of moving to the new state or to a foreign country to  
11 the county sheriff with whom the person last registered in Washington  
12 state. The county sheriff shall promptly forward this information to  
13 the Washington state patrol.

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

19 (c) An arrest on charges of failure to register, service of an  
20 information, or a complaint for a violation of this section, or  
21 arraignment on charges for a violation of this section, constitutes  
22 actual notice of the duty to register. Any person charged with the  
23 crime of failure to register under this section who asserts as a  
24 defense the lack of notice of the duty to register shall register  
25 immediately following actual notice of the duty through arrest,  
26 service, or arraignment. Failure to register as required under this  
27 subsection (4)(c) constitutes grounds for filing another charge of  
28 failing to register. Registering following arrest, service, or  
29 arraignment on charges shall not relieve the offender from criminal  
30 liability for failure to register prior to the filing of the original  
31 charge.

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

35 (5)(a) If any person required to register pursuant to this section  
36 changes his or her residence address within the same county, the person  
37 must send written notice of the change of address to the county sheriff  
38 within seventy-two hours of moving. If any person required to register

1 pursuant to this section moves to a new county, the person must send  
2 written notice of the change of address at least fourteen days before  
3 moving to the county sheriff in the new county of residence and must  
4 register with that county sheriff within twenty-four hours of moving.  
5 The person must also send written notice within ten days of the change  
6 of address in the new county to the county sheriff with whom the person  
7 last registered. The county sheriff with whom the person last  
8 registered shall promptly forward the information concerning the change  
9 of address to the county sheriff for the county of the person's new  
10 residence. Upon receipt of notice of change of address to a new state,  
11 the county sheriff shall promptly forward the information regarding the  
12 change of address to the agency designated by the new state as the  
13 state's offender registration agency.

14 (b) It is an affirmative defense to a charge that the person failed  
15 to send a notice at least fourteen days in advance of moving as  
16 required under (a) of this subsection that the person did not know the  
17 location of his or her new residence at least fourteen days before  
18 moving. The defendant must establish the defense by a preponderance of  
19 the evidence and, to prevail on the defense, must also prove by a  
20 preponderance that the defendant sent the required notice within  
21 twenty-four hours of determining the new address.

22 (6)(a) Any person required to register under this section who lacks  
23 a fixed residence shall provide written notice to the sheriff of the  
24 county where he or she last registered within forty-eight hours  
25 excluding weekends and holidays after ceasing to have a fixed  
26 residence. The notice shall include the information required by  
27 subsection (3)(b) of this section, except the photograph and  
28 fingerprints. The county sheriff may, for reasonable cause, require  
29 the offender to provide a photograph and fingerprints. The sheriff  
30 shall forward this information to the sheriff of the county in which  
31 the person intends to reside, if the person intends to reside in  
32 another county.

33 (b) A person who lacks a fixed residence must report weekly, in  
34 person, to the sheriff of the county where he or she is registered.  
35 The weekly report shall be on a day specified by the county sheriff's  
36 office, and shall occur during normal business hours. The county  
37 sheriff's office may require the person to list the locations where the  
38 person has stayed during the last seven days. The lack of a fixed

1 residence is a factor that may be considered in determining an  
2 offender's risk level and shall make the offender subject to disclosure  
3 of information to the public at large pursuant to RCW 4.24.550.

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

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

29 (8)(a) If a person required to register under this section enrolls  
30 in a new public or private school regulated under Title 28A RCW within  
31 the same county in which he or she is registered, graduates from high  
32 school, or ceases to attend school, the person must send written notice  
33 of the new enrollment, graduation, or cessation of schooling to the  
34 county sheriff within seventy-two hours of the enrollment, graduation,  
35 or cessation. If a person required to register under this section  
36 enrolls in a new public or private school regulated under Title 28A RCW  
37 in a different county than the county in which he or she is registered,  
38 the person must send notice of the new enrollment to the county sheriff

1 in the new county within fourteen days of the enrollment, unless the  
2 person is already required to register in the new county under  
3 subsection (5) of this section. The person must also send written  
4 notice within ten days of the new enrollment in the new county to the  
5 county sheriff with whom the person last registered. The county  
6 sheriff with whom the person last registered shall promptly forward the  
7 information concerning the new enrollment to the county sheriff for the  
8 county of the person's new enrollment.

9 (b) It is an affirmative defense to a charge that the person failed  
10 to send a notice at least fourteen days in advance of a new enrollment  
11 under (a) of this subsection that the person did not know the location  
12 of his or her new school at least fourteen days in advance. The  
13 defendant must establish the defense by a preponderance of the evidence  
14 and, to prevail on the defense, must also prove by a preponderance that  
15 the defendant sent the required notice within twenty-four hours of  
16 determining the new address.

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

19 ~~((9))~~ (10) For the purpose of RCW 9A.44.130, 10.01.200,  
20 43.43.540, 70.48.470, and 72.09.330:

21 (a) "Sex offense" means:

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

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

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

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

30 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
31 criminal attempt, criminal solicitation, or criminal conspiracy to  
32 commit an offense that is classified as a sex offense under RCW  
33 9.94A.030 or this subsection.

34 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
35 the first degree, kidnapping in the second degree, and unlawful  
36 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
37 minor and the offender is not the minor's parent; (ii) any offense that  
38 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,

1 or criminal conspiracy to commit an offense that is classified as a  
2 kidnapping offense under this subsection ~~((+9+))~~ (10)(b); and (iii) any  
3 federal or out-of-state conviction for an offense that under the laws  
4 of this state would be classified as a kidnapping offense under this  
5 subsection ~~((+9+))~~ (10)(b).

6 (c) "Employed" or "carries on a vocation" means employment that is  
7 full-time or part-time for a period of time exceeding fourteen days, or  
8 for an aggregate period of time exceeding thirty days during any  
9 calendar year. A person is employed or carries on a vocation whether  
10 the person's employment is financially compensated, volunteered, or for  
11 the purpose of government or educational benefit.

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

16 ~~((+10+))~~ (11)(a) A person who knowingly fails to register with the  
17 county sheriff or notify the county sheriff, or who changes his or her  
18 name without notifying the county sheriff and the state patrol, as  
19 required by this section is guilty of a class C felony if the crime for  
20 which the individual was convicted was a felony sex offense as defined  
21 in subsection ~~((+9+))~~ (10)(a) of this section or a federal or out-of-  
22 state conviction for an offense that under the laws of this state would  
23 be a felony sex offense as defined in subsection ~~((+9+))~~ (10)(a) of  
24 this section.

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

29 ~~((+11+))~~ (12)(a) A person who knowingly fails to register ~~((+9+))~~  
30 who moves within the state without notifying the county sheriff, or who  
31 enrolls in a new public or private school regulated under Title 28A RCW  
32 within the state without notifying the county sheriff as required by  
33 this section is guilty of a class C felony if the crime for which the  
34 individual was convicted was a felony kidnapping offense as defined in  
35 subsection ~~((+9+))~~ (10)(b) of this section or a federal or out-of-state  
36 conviction for an offense that under the laws of this state would be a  
37 felony kidnapping offense as defined in subsection ~~((+9+))~~ (10)(b) of  
38 this section.

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

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

7 (1) In addition to the disclosure under subsections (5) and (6) of  
8 this section, public agencies are authorized to release information to  
9 the public regarding sex offenders and kidnapping offenders when the  
10 agency determines that disclosure of the information is relevant and  
11 necessary to protect the public and counteract the danger created by  
12 the 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  
20 by reason of insanity under chapter 10.77 RCW; and (e) any person found  
21 incompetent to stand trial for a sex offense or kidnapping offense and  
22 subsequently committed under chapter 71.05 or 71.34 RCW.

23 (2) Except for the information specifically required under  
24 subsections (5) and (6) of this section, the extent of the public  
25 disclosure of relevant and necessary information shall be rationally  
26 related to: (a) The level of risk posed by the offender to the  
27 community; (b) the locations where the offender resides, expects to  
28 reside, or is regularly found; and (c) the needs of the affected  
29 community members for information to enhance their individual and  
30 collective safety.

31 (3) Except for the information specifically required under  
32 subsections (5) and (6) of this section, local law enforcement agencies  
33 shall consider the following guidelines in determining the extent of a  
34 public disclosure made under this section: (a) For offenders  
35 classified as risk level I, the agency shall share information with  
36 other appropriate law enforcement agencies and may disclose, upon  
37 request, relevant, necessary, and accurate information to any victim or

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

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

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

33 (i) For level III offenders, the web site shall contain, but is not  
34 limited to, the registered sex offender's name, relevant criminal  
35 convictions, address by hundred block, physical description, and  
36 photograph. The web site shall provide mapping capabilities that  
37 display the sex offender's address by hundred block on a map. The web

1 site shall allow citizens to search for registered sex offenders within  
2 the state of Washington by county, city, zip code, last name, type of  
3 conviction, and address by hundred block.

4 (ii) For level II offenders, the web site shall contain, but is not  
5 limited to, the same information and functionality as described in  
6 (a)(i) of this subsection, provided that it is permissible under state  
7 and federal law. If it is not permissible, the web site shall be  
8 limited to the information and functionality that is permissible under  
9 state and federal law.

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

14 (6) The county sheriff shall maintain a list of public and private  
15 schools regulated under Title 28A RCW where registered sex offenders  
16 are enrolled in the county. The list must contain the names of the  
17 registered sex offenders in each school organized by school. The  
18 county sheriff shall update the list at least once per month. The  
19 county sheriff shall provide the list to persons who request it, but  
20 may not otherwise publish or disseminate the list.

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

35 ~~((+7))~~ (8) An appointed or elected public official, public  
36 employee, or public agency as defined in RCW 4.24.470, or units of  
37 local government and its employees, as provided in RCW 36.28A.010, are  
38 immune from civil liability for damages for any discretionary risk

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

16 ~~((+8+))~~ (9) Except as may otherwise be provided by law, nothing in  
17 this section shall impose any liability upon a public official, public  
18 employee, or public agency for failing to release information  
19 authorized under this section.

20 ~~((+9+))~~ (10) Nothing in this section implies that information  
21 regarding persons designated in subsection (1) of this section is  
22 confidential except as may otherwise be provided by law.

23 ~~((+10+))~~ (11) When a local law enforcement agency or official  
24 classifies an offender differently than the offender is classified by  
25 the end of sentence review committee or the department of social and  
26 health services at the time of the offender's release from confinement,  
27 the law enforcement agency or official shall notify the end of sentence  
28 review committee or the department of social and health services and  
29 submit its reasons supporting the change in classification. Upon  
30 implementation of subsection (5)(a) of this section, notification of  
31 the change shall also be sent to the Washington association of sheriffs  
32 and police chiefs.

33 NEW SECTION. **Sec. 3.** If any part of this act is found to be in  
34 conflict with federal requirements that are a prescribed condition to  
35 the allocation of federal funds to the state, the conflicting part of  
36 this act is inoperative solely to the extent of the conflict and with  
37 respect to the agencies directly affected, and this finding does not

1 affect the operation of the remainder of this act in its application to  
2 the agencies concerned. Rules adopted under this act must meet federal  
3 requirements that are a necessary condition to the receipt of federal  
4 funds by the state.

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