
SENATE BILL 5428

State of Washington

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By Senators McAuliffe, Harper, Hargrove, Stevens, Zarelli, Pridemore, Shin, and Roach

Read first time 01/25/11. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to notification to schools regarding the release of
2 certain offenders; and amending RCW 4.24.550.

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

4 **Sec. 1.** RCW 4.24.550 and 2008 c 98 s 1 are each amended to read as
5 follows:

6 (1) In addition to the disclosure under subsection (5) of this
7 section, public agencies are authorized to release information to the
8 public regarding sex offenders and kidnapping offenders when the agency
9 determines that disclosure of the information is relevant and necessary
10 to protect the public and counteract the danger created by the
11 particular offender. This authorization applies to information
12 regarding: (a) Any person adjudicated or convicted of a sex offense as
13 defined in RCW ((9A.44.130)) 9A.44.128 or a kidnapping offense as
14 defined by RCW ((9A.44.130)) 9A.44.128; (b) any person under the
15 jurisdiction of the indeterminate sentence review board as the result
16 of a sex offense or kidnapping offense; (c) any person committed as a
17 sexually violent predator under chapter 71.09 RCW or as a sexual
18 psychopath under chapter 71.06 RCW; (d) any person found not guilty of
19 a sex offense or kidnapping offense by reason of insanity under chapter

1 10.77 RCW; and (e) any person found incompetent to stand trial for a
2 sex offense or kidnapping offense and subsequently committed under
3 chapter 71.05 or 71.34 RCW.

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

11 (3) Except for the information specifically required under
12 subsection (5) of this section, local law enforcement agencies shall
13 consider the following guidelines in determining the extent of a public
14 disclosure made under this section: (a) For offenders classified as
15 risk level I, the agency shall share information with other appropriate
16 law enforcement agencies and, if the offender is a student, the public
17 or private school regulated under Title 28A RCW or chapter 72.40 RCW
18 which the offender is attending, or planning to attend. The agency may
19 disclose, upon request, relevant, necessary, and accurate information
20 to any victim or witness to the offense and to any individual community
21 member who lives near the residence where the offender resides, expects
22 to reside, or is regularly found; (b) for offenders classified as risk
23 level II, the agency may also disclose relevant, necessary, and
24 accurate information to public and private schools, child day care
25 centers, family day care providers, public libraries, businesses and
26 organizations that serve primarily children, women, or vulnerable
27 adults, and neighbors and community groups near the residence where the
28 offender resides, expects to reside, or is regularly found; (c) for
29 offenders classified as risk level III, the agency may also disclose
30 relevant, necessary, and accurate information to the public at large;
31 and (d) because more localized notification is not feasible and
32 homeless and transient offenders may present unique risks to the
33 community, the agency may also disclose relevant, necessary, and
34 accurate information to the public at large for offenders registered as
35 homeless or transient.

36 (4) The county sheriff with whom an offender classified as risk
37 level III is registered shall cause to be published by legal notice,
38 advertising, or news release a sex offender community notification that

1 conforms to the guidelines established under RCW 4.24.5501 in at least
2 one legal newspaper with general circulation in the area of the sex
3 offender's registered address or location. The county sheriff shall
4 also cause to be published consistent with this subsection a current
5 list of level III registered sex offenders, twice yearly. Unless the
6 information is posted on the web site described in subsection (5) of
7 this section, this list shall be maintained by the county sheriff on a
8 publicly accessible web site and shall be updated at least once per
9 month.

10 (5)(a) When funded by federal grants or other sources, the
11 Washington association of sheriffs and police chiefs shall create and
12 maintain a statewide registered kidnapping and sex offender web site,
13 which shall be available to the public. The web site shall post all
14 level III and level II registered sex offenders, level I registered sex
15 offenders during the time they are out of compliance with registration
16 requirements under RCW 9A.44.130, and all registered kidnapping
17 offenders in the state of Washington.

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

26 (ii) For level II offenders, and level I sex offenders during the
27 time they are out of compliance with registration requirements under
28 RCW 9A.44.130, the web site shall contain, but is not limited to, the
29 same information and functionality as described in (a)(i) of this
30 subsection, provided that it is permissible under state and federal
31 law. If it is not permissible, the web site shall be limited to the
32 information and functionality that is permissible under state and
33 federal law.

34 (iii) For kidnapping offenders, the web site shall contain, but is
35 not limited to, the same information and functionality as described in
36 (a)(i) of this subsection, provided that it is permissible under state
37 and federal law. If it is not permissible, the web site shall be

1 limited to the information and functionality that is permissible under
2 state and federal law.

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

7 (c) At the earliest possible date and in no event later than thirty
8 days before discharge, parole, or any other authorized leave or
9 release, or before transfer to a community residential facility, the
10 public agency shall send written notice of the discharge, parole,
11 authorized leave or release, or transfer of a youth found to have
12 committed a violent offense, a sex offense, or stalking, to the private
13 schools and common school district board of directors of the district
14 in which the youth intends to reside or the approved private school or
15 public school district in which the youth last attended school,
16 whichever is appropriate, except when it has been determined by the
17 department of social and health services that the juvenile is over
18 twenty-one years old or will be in the community for less than seven
19 consecutive days on approved leave and will not be attending school
20 during that time.

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

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

16 (8) Except as may otherwise be provided by law, nothing in this
17 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) Nothing in this section implies that information regarding
21 persons designated in subsection (1) of this section is confidential
22 except as may otherwise be provided by law.

23 (10) When a local law enforcement agency or official classifies an
24 offender differently than the offender is classified by the end of
25 sentence review committee or the department of social and health
26 services at the time of the offender's release from confinement, the
27 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.

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