
HOUSE BILL 2459

State of Washington

66th Legislature

2020 Regular Session

By Representatives Dye, Mosbrucker, and Chambers

Read first time 01/14/20. Referred to Committee on Public Safety.

1 AN ACT Relating to increasing the public disclosure of registered
2 sex 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 2015 c 261 s 1 are each amended to read
5 as 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
9 agency determines that disclosure of the information is relevant and
10 necessary to protect the public and counteract the danger created by
11 the particular offender. This authorization applies to information
12 regarding: (a) Any person adjudicated or convicted of a sex offense
13 as defined in RCW 9A.44.128 or a kidnapping offense as defined by RCW
14 9A.44.128; (b) any person under the jurisdiction of the indeterminate
15 sentence review board as the result of a sex offense or kidnapping
16 offense; (c) any person committed as a sexually violent predator
17 under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06
18 RCW; (d) any person found not guilty of a sex offense or kidnapping
19 offense by reason of insanity under chapter 10.77 RCW; and (e) any
20 person found incompetent to stand trial for a sex offense or

1 kidnapping offense and subsequently committed under chapter 71.05 or
2 71.34 RCW.

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

10 (3) Except for the information specifically required under
11 subsection (5) of this section, local law enforcement agencies shall
12 consider the following guidelines in determining the extent of a
13 public disclosure made under this section:

14 (a) For all registered offenders (~~(classified as risk level I)~~),
15 the agency shall share information with other appropriate law
16 enforcement agencies and, if the offender is a student, the public or
17 private school regulated under Title 28A RCW or chapter 72.40 RCW
18 which the offender is attending, or planning to attend. The agency
19 may disclose, upon request, relevant, necessary, and accurate
20 information to any victim or witness to the offense, any individual
21 community member who lives near the residence where the offender
22 resides, expects to reside, or is regularly found, and any individual
23 who requests information regarding a specific offender (~~(; (b) for~~
24 ~~offenders classified as risk level II,)~~). The agency may also
25 disclose relevant, necessary, and accurate information to public and
26 private schools, child day care centers, family day care providers,
27 public libraries, businesses and organizations that serve primarily
28 children, women, or vulnerable adults, and neighbors and community
29 groups near the residence where the offender resides, expects to
30 reside, or is regularly found; ((+e))

31 (b) For offenders classified as risk level III, the agency may
32 also disclose relevant, necessary, and accurate information to the
33 public at large; and ((+d))

34 (c) Because more localized notification is not feasible and
35 homeless and transient offenders may present unique risks to the
36 community, the agency may also disclose relevant, necessary, and
37 accurate information to the public at large for offenders registered
38 as homeless or transient.

39 (4) The county sheriff with whom an offender classified as risk
40 level III is registered shall release a sex offender community

1 notification that conforms to the guidelines established under RCW
2 4.24.5501.

3 (5) (a) When funded by federal grants or other sources, the
4 Washington association of sheriffs and police chiefs shall create and
5 maintain a statewide registered kidnapping and sex offender web site,
6 which shall be available to the public. The web site shall post all
7 level III and level II registered sex offenders, level I registered
8 sex offenders only during the time they are out of compliance with
9 registration requirements under RCW 9A.44.130 or if lacking a fixed
10 residence as provided in RCW 9A.44.130, and all registered kidnapping
11 offenders in the state of Washington.

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

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

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

34 (b) Law enforcement agencies must provide information requested
35 by the Washington association of sheriffs and police chiefs to
36 administer the statewide registered kidnapping and sex offender web
37 site.

38 (c) (i) Within five business days of the Washington association of
39 sheriffs and police chiefs receiving any public record request under
40 chapter 42.56 RCW for sex offender and kidnapping offender

1 information, records or web site data it holds or maintains pursuant
2 to this section or a unified sex offender registry, the Washington
3 association of sheriffs and police chiefs shall refer the requester
4 in writing to the appropriate law enforcement agency or agencies for
5 submission of such a request. The Washington association of sheriffs
6 and police chiefs shall have no further obligation under chapter
7 42.56 RCW for responding to such a request.

8 (ii) This ~~((subparagraph))~~ subsection (5)(c) ~~((of this section))~~
9 is remedial and applies retroactively.

10 (6)(a) Law enforcement agencies responsible for the registration
11 and dissemination of information regarding offenders required to
12 register under RCW 9A.44.130 shall assign a risk level classification
13 to all offenders after consideration of: (i) Any available risk level
14 classifications provided by the department of corrections, the
15 department of social and health services, and the indeterminate
16 sentence review board; (ii) the agency's own application of a sex
17 offender risk assessment tool; and (iii) other information and
18 aggravating or mitigating factors known to the agency and deemed
19 rationally related to the risk posed by the offender to the community
20 at large.

21 (b) A sex offender shall be classified as a risk level I if his
22 or her risk assessment and other information or factors deemed
23 relevant by the law enforcement agency indicate he or she is at a low
24 risk to sexually reoffend within the community at large. A sex
25 offender shall be classified as a risk level II if his or her risk
26 assessment and other information or factors deemed relevant by the
27 law enforcement agency indicate he or she is at a moderate risk to
28 sexually reoffend within the community at large. A sex offender shall
29 be classified as a risk level III if his or her risk assessment and
30 other information or factors deemed relevant by the law enforcement
31 agency indicate he or she is at a high risk to sexually reoffend
32 within the community at large.

33 (c) The agency shall make a good faith effort to notify the
34 public and residents within a reasonable period of time after the
35 offender registers with the agency.

36 (d) Agencies may develop a process to allow an offender to
37 petition for review of the offender's assigned risk level
38 classification. The timing, frequency, and process for review are at
39 the sole discretion of the agency.

1 (7) An appointed or elected public official, public employee, or
2 public agency as defined in RCW 4.24.470, or units of local
3 government and its employees, as provided in RCW 36.28A.010, are
4 immune from civil liability for damages for any discretionary risk
5 level classification decisions or release of relevant and necessary
6 information, unless it is shown that the official, employee, or
7 agency acted with gross negligence or in bad faith. The immunity in
8 this section applies to risk level classification decisions and the
9 release of relevant and necessary information regarding any
10 individual for whom disclosure is authorized. The decision of a law
11 enforcement agency or official to classify an offender to a risk
12 level other than the one assigned by the department of corrections,
13 the department of social and health services, or the indeterminate
14 sentence review board, or the release of any relevant and necessary
15 information based on that different classification shall not, by
16 itself, be considered gross negligence or bad faith. The immunity
17 provided under this section applies to the release of relevant and
18 necessary information to other public officials, public employees, or
19 public agencies, and to the general public.

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

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

27 (10) When a law enforcement agency or official classifies an
28 offender differently than the offender is classified by the end of
29 sentence review committee at the time of the offender's release from
30 confinement, the law enforcement agency or official shall notify the
31 end of sentence review committee and the Washington state patrol and
32 submit its reasons supporting the change in classification.

33 (11) As used in this section, "law enforcement agency" means a
34 general authority Washington law enforcement agency as defined in RCW
35 10.93.020.

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