

ESSB 5245 - H COMM AMD
By Committee on Public Safety

ADOPTED 03/01/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 72.09.712 and 2021 c 215 s 160 are each amended to
4 read as follows:

5 (1) At the earliest possible date, and in no event later than
6 thirty days before release except in the event of escape or emergency
7 furloughs as defined in RCW 72.66.010, the department of corrections
8 shall send written notice of parole, release, community custody, work
9 release placement, furlough, or escape about a specific inmate
10 convicted of a violent offense, a sex offense as defined by RCW
11 9.94A.030, a domestic violence court order violation pursuant to RCW
12 7.105.450, 10.99.040, 10.99.050, 26.09.300, (~~26.10.220,~~)
13 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and
14 74.34.145, (~~or~~) a felony harassment offense as defined by RCW
15 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW
16 10.99.020, an assault in the third degree offense as defined by RCW
17 9A.36.031, an unlawful imprisonment offense as defined by RCW
18 9A.40.040, a vehicular homicide by disregard for the safety of others
19 offense as defined by RCW 46.61.520, or a controlled substances
20 homicide offense as defined by RCW 69.50.415, to the following:

21 (a) The chief of police of the city, if any, in which the inmate
22 will reside or in which placement will be made in a work release
23 program; and

24 (b) The sheriff of the county in which the inmate will reside or
25 in which placement will be made in a work release program.

26 The sheriff of the county where the offender was convicted shall
27 be notified if the department does not know where the offender will
28 reside. The department shall notify the state patrol of the release
29 of all sex offenders, and that information shall be placed in the
30 Washington crime information center for dissemination to all law
31 enforcement.

1 (2) The same notice as required by subsection (1) of this section
2 shall be sent to the following if such notice has been requested in
3 writing about a specific inmate convicted of a violent offense, a sex
4 offense as defined by RCW 9.94A.030, a domestic violence court order
5 violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300,
6 (~~26.10.220,~~) 26.26B.050, or 26.52.070, or any of the former RCW
7 26.50.110 and 74.34.145, (~~or~~) a felony harassment offense as
8 defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as
9 defined by RCW 10.99.020, an assault in the third degree offense as
10 defined by RCW 9A.36.031, an unlawful imprisonment offense as defined
11 by RCW 9A.40.040, a vehicular homicide by disregard for the safety of
12 others offense as defined by RCW 46.61.520, or a controlled
13 substances homicide offense as defined by RCW 69.50.415:

14 (a) The victim of the crime for which the inmate was convicted or
15 the victim's next of kin if the crime was a homicide;

16 (b) Any witnesses who testified against the inmate in any court
17 proceedings involving the violent offense;

18 (c) Any person specified in writing by the prosecuting attorney;
19 and

20 (d) Any person who requests such notice about a specific inmate
21 convicted of a sex offense as defined by RCW 9.94A.030 from the
22 department of corrections at least sixty days prior to the expected
23 release date of the offender.

24 Information regarding victims, next of kin, or witnesses
25 requesting the notice, information regarding any other person
26 specified in writing by the prosecuting attorney to receive the
27 notice, and the notice are confidential and shall not be available to
28 the inmate. Whenever the department of corrections mails notice
29 pursuant to this subsection and the notice is returned as
30 undeliverable, the department shall attempt alternative methods of
31 notification, including a telephone call to the person's last known
32 telephone number.

33 (3) The existence of the notice requirements contained in
34 subsections (1) and (2) of this section shall not require an
35 extension of the release date in the event that the release plan
36 changes after notification.

37 (4) If an inmate convicted of a violent offense, a sex offense as
38 defined by RCW 9.94A.030, a domestic violence court order violation
39 pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300,
40 (~~26.10.220,~~) 26.26B.050, or 26.52.070, or any of the former RCW

1 26.50.110 and 74.34.145, ((~~or~~)) a felony harassment offense as
2 defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as
3 defined by RCW 10.99.020, an assault in the third degree offense as
4 defined by RCW 9A.36.031, an unlawful imprisonment offense as defined
5 by RCW 9A.40.040, a vehicular homicide by disregard for the safety of
6 others offense as defined by RCW 46.61.520, or a controlled
7 substances homicide offense as defined by RCW 69.50.415, escapes from
8 a correctional facility, the department of corrections shall
9 immediately notify, by the most reasonable and expedient means
10 available, the chief of police of the city and the sheriff of the
11 county in which the inmate resided immediately before the inmate's
12 arrest and conviction. If previously requested, the department shall
13 also notify the witnesses and the victim of the crime for which the
14 inmate was convicted or the victim's next of kin if the crime was a
15 homicide. If the inmate is recaptured, the department shall send
16 notice to the persons designated in this subsection as soon as
17 possible but in no event later than two working days after the
18 department learns of such recapture.

19 (5) If the victim, the victim's next of kin, or any witness is
20 under the age of sixteen, the notice required by this section shall
21 be sent to the parents or legal guardian of the child.

22 (6) The department of corrections shall send the notices required
23 by this chapter to the last address provided to the department by the
24 requesting party. The requesting party shall furnish the department
25 with a current address.

26 (7) The department of corrections shall keep, for a minimum of
27 two years following the release of an inmate, the following:

28 (a) A document signed by an individual as proof that that person
29 is registered in the victim or witness notification program; and

30 (b) A receipt showing that an individual registered in the victim
31 or witness notification program was mailed a notice, at the
32 individual's last known address, upon the release or movement of an
33 inmate.

34 (8) For purposes of this section the following terms have the
35 following meanings:

36 (a) "Violent offense" means a violent offense under RCW
37 9.94A.030;

38 (b) "Next of kin" means a person's spouse, state registered
39 domestic partner, parents, siblings and children.

1 (9) Nothing in this section shall impose any liability upon a
2 chief of police of a city or sheriff of a county for failing to
3 request in writing a notice as provided in subsection (1) of this
4 section.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28A
6 RCW to read as follows:

7 Information and records prepared, owned, used, or retained by the
8 Washington association of sheriffs and police chiefs revealing the
9 existence of a notification, or of registration to be notified,
10 regarding any specific individual, or the identity of or any
11 information submitted by a person who registers to be notified of a
12 person's custody or supervision status, upcoming hearing, case
13 disposition, or service of a protection order pursuant to the
14 statewide city and county jail booking and reporting system created
15 in RCW 36.28A.040, the statewide automated victim information and
16 notification system created in RCW 36.28A.040, or any other program
17 used for the purposes of notifying individuals of a person's custody
18 or supervision status, upcoming hearing, case disposition, or service
19 of a protection order, are exempt from public inspection and copying
20 under chapter 42.56 RCW.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.56
22 RCW to read as follows:

23 Information and records related to notification or registration
24 for notification as described in section 2 of this act are exempt
25 from disclosure under this chapter.

26 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2022."

27 Correct the title.

EFFECT: (1) Removes the provision stating that the Department of
Corrections need not provide notice to witnesses and victims when a
person is released due to a court order pursuant to felony
resentencing proceedings.

(2) Creates an exemption from disclosure under the Public Records
Act for specified information and records pertaining to notification
and requests for notification regarding a person's custody or
supervision status, upcoming hearing, case disposition, or service of
a protection order.

(3) Provides an effective date of July 1, 2022.

(4) Makes a technical change to update an amendatory section to reflect changes made during the 2021 legislative session.

--- **END** ---