

SSB 5081 - H COMM AMD

By Committee on Community Safety, Justice, & Reentry

ADOPTED 04/05/2023

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

3 **"Sec. 1.** RCW 72.09.712 and 2022 c 82 s 1 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, 26.26B.050, or 26.52.070,
13 or any of the former RCW 26.50.110 and 74.34.145, a felony harassment
14 offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence
15 offense as defined by RCW 10.99.020, an assault in the third degree
16 offense as defined by RCW 9A.36.031, an unlawful imprisonment offense
17 as defined by RCW 9A.40.040, a custodial interference in the first
18 degree offense as defined by RCW 9A.40.060, a luring offense as
19 defined by RCW 9A.40.090, a coercion into involuntary servitude
20 offense as defined by RCW 9A.40.110, a criminal gang intimidation
21 offense as defined by RCW 9A.46.120, an intimidating a public servant
22 offense as defined by RCW 9A.76.180, an intimidation or harassment
23 with an explosive offense as defined by RCW 70.74.275, a vehicular
24 homicide by disregard for the safety of others offense as defined by
25 RCW 46.61.520, or a controlled substances homicide offense as defined
26 by RCW 69.50.415, to the following:

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

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

1 The sheriff of the county where the offender was convicted shall
2 be notified if the department does not know where the offender will
3 reside. The department shall notify the state patrol of the release
4 of all sex offenders, and that information shall be placed in the
5 Washington crime information center for dissemination to all law
6 enforcement.

7 (2) The same notice as required by subsection (1) of this section
8 shall be sent to the following if such notice has been requested in
9 writing about a specific inmate convicted of a violent offense, a sex
10 offense as defined by RCW 9.94A.030, a domestic violence court order
11 violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300,
12 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and
13 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or
14 9A.46.110, a domestic violence offense as defined by RCW 10.99.020,
15 an assault in the third degree offense as defined by RCW 9A.36.031,
16 an unlawful imprisonment offense as defined by RCW 9A.40.040, a
17 custodial interference in the first degree offense as defined by RCW
18 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion
19 into involuntary servitude offense as defined by RCW 9A.40.110, a
20 criminal gang intimidation offense as defined by RCW 9A.46.120, an
21 intimidating a public servant offense as defined by RCW 9A.76.180, an
22 intimidation or harassment with an explosive offense as defined by
23 RCW 70.74.275, a vehicular homicide by disregard for the safety of
24 others offense as defined by RCW 46.61.520, or a controlled
25 substances homicide offense as defined by RCW 69.50.415:

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

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

30 (c) Any person specified in writing by the prosecuting attorney;
31 and

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

36 Information regarding victims, next of kin, or witnesses
37 requesting the notice, information regarding any other person
38 specified in writing by the prosecuting attorney to receive the
39 notice, and the notice are confidential and shall not be available to
40 the inmate. Whenever the department of corrections mails notice

1 pursuant to this subsection and the notice is returned as
2 undeliverable, the department shall attempt alternative methods of
3 notification, including a telephone call to the person's last known
4 telephone number.

5 (3) The existence of the notice requirements contained in
6 subsections (1) and (2) of this section shall not require an
7 extension of the release date in the event that the release plan
8 changes after notification.

9 (4) If an inmate convicted of a violent offense, a sex offense as
10 defined by RCW 9.94A.030, a domestic violence court order violation
11 pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300,
12 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and
13 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or
14 9A.46.110, a domestic violence offense as defined by RCW 10.99.020,
15 an assault in the third degree offense as defined by RCW 9A.36.031,
16 an unlawful imprisonment offense as defined by RCW 9A.40.040, a
17 custodial interference in the first degree offense as defined by RCW
18 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion
19 into involuntary servitude offense as defined by RCW 9A.40.110, a
20 criminal gang intimidation offense as defined by RCW 9A.46.120, an
21 intimidating a public servant offense as defined by RCW 9A.76.180, an
22 intimidation or harassment with an explosive offense as defined by
23 RCW 70.74.275, a vehicular homicide by disregard for the safety of
24 others offense as defined by RCW 46.61.520, or a controlled
25 substances homicide offense as defined by RCW 69.50.415, escapes from
26 a correctional facility, the department of corrections shall
27 immediately notify, by the most reasonable and expedient means
28 available, the chief of police of the city and the sheriff of the
29 county in which the inmate resided immediately before the inmate's
30 arrest and conviction. If previously requested, the department shall
31 also notify the witnesses and the victim of the crime for which the
32 inmate was convicted or the victim's next of kin if the crime was a
33 homicide. If the inmate is recaptured, the department shall send
34 notice to the persons designated in this subsection as soon as
35 possible but in no event later than two working days after the
36 department learns of such recapture.

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

1 (6) The department of corrections shall send the notices required
2 by this chapter to the last address provided to the department by the
3 requesting party. The requesting party shall furnish the department
4 with a current address.

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

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

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

13 (8) For purposes of this section the following terms have the
14 following meanings:

15 (a) "Violent offense" means a violent offense under RCW
16 9.94A.030;

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

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

23 (10) Information and records prepared, owned, used, or retained
24 by the department of corrections that reveal any notification or
25 request for notification regarding any specific individual, or that
26 reveal the identity, location of, or any information submitted by a
27 person who requests or is invited to enroll for notification under
28 subsection (2) of this section, are exempt from public inspection and
29 copying under chapter 42.56 RCW.

30 NEW SECTION. Sec. 2. A new section is added to chapter 42.56
31 RCW to read as follows:

32 Information and records prepared, owned, used, or retained by the
33 department of corrections that reveal any notification or request for
34 notification regarding any specific individual, or that reveal the
35 identity, location of, or any information submitted by a person who
36 requests or is invited to enroll for notification under RCW
37 72.09.712(2) or 72.09.710(1), are exempt from public inspection and
38 copying under this chapter.

1 **Sec. 3.** RCW 72.09.710 and 2008 c 231 s 26 are each amended to
2 read as follows:

3 (1) At the earliest possible date, and in no event later than ten
4 days before release except in the event of escape or emergency
5 furloughs as defined in RCW 72.66.010, the department of corrections
6 shall send written notice of parole, community custody, work release
7 placement, furlough, or escape about a specific inmate convicted of a
8 serious drug offense to the following if such notice has been
9 requested in writing about a specific inmate convicted of a serious
10 drug offense:

11 (a) Any witnesses who testified against the inmate in any court
12 proceedings involving the serious drug offense; and

13 (b) Any person specified in writing by the prosecuting attorney.
14 Information regarding witnesses requesting the notice, information
15 regarding any other person specified in writing by the prosecuting
16 attorney to receive the notice, and the notice are confidential and
17 shall not be available to the inmate.

18 (2) If an inmate convicted of a serious drug offense escapes from
19 a correctional facility, the department of corrections shall
20 immediately notify, by the most reasonable and expedient means
21 available, the chief of police of the city and the sheriff of the
22 county in which the inmate resided immediately before the inmate's
23 arrest and conviction. If previously requested, the department shall
24 also notify the witnesses who are entitled to notice under this
25 section. If the inmate is recaptured, the department shall send
26 notice to the persons designated in this subsection as soon as
27 possible but in no event later than two working days after the
28 department learns of such recapture.

29 (3) If any witness is under the age of sixteen, the notice
30 required by this section shall be sent to the parents or legal
31 guardian of the child.

32 (4) The department of corrections shall send the notices required
33 by this section to the last address provided to the department by the
34 requesting party. The requesting party shall furnish the department
35 with a current address.

36 (5) For purposes of this section, "serious drug offense" means an
37 offense under RCW 69.50.401(2) (a) or (b) or 69.50.4011(2) (a) or
38 (b).

39 (6) Information and records prepared, owned, used, or retained by
40 the department of corrections that reveal any notification or request

1 for notification regarding any specific individual, or that reveal
2 the identity, location of, or any information submitted by a person
3 who requests or is invited to enroll for notification under
4 subsection (1) of this section, are exempt from public inspection and
5 copying under chapter 42.56 RCW.

6 **Sec. 4.** RCW 72.09.714 and 2021 c 215 s 161 are each amended to
7 read as follows:

8 The department of corrections shall provide the victims,
9 witnesses, and next of kin in the case of a homicide and victims and
10 witnesses involved in violent offense cases, sex offenses as defined
11 by RCW 9.94A.030, a domestic violence court order violation pursuant
12 to RCW 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 pursuant to RCW 9A.46.060 or
15 9A.46.110, a domestic violence offense as defined in RCW 10.99.020,
16 an assault in the third degree offense under RCW 9A.36.031, an
17 unlawful imprisonment offense under RCW 9A.40.040, a custodial
18 interference in the first degree offense as defined by RCW 9A.40.060,
19 a luring offense as defined by RCW 9A.40.090, a coercion into
20 involuntary servitude offense as defined by RCW 9A.40.110, a criminal
21 gang intimidation offense as defined by RCW 9A.46.120, an
22 intimidating a public servant offense as defined by RCW 9A.76.180, an
23 intimidation or harassment with an explosive offense as defined by
24 RCW 70.74.275, a vehicular homicide by disregard for the safety of
25 others offense under RCW 46.61.520, or a controlled substances
26 homicide offense under RCW 69.50.415, a statement of the rights of
27 victims and witnesses to request and receive notification under RCW
28 72.09.712 and 72.09.716."

29 Correct the title.

EFFECT: Clarifies that any department of corrections records that reveal information relating to the identity, location, or information about a person requesting victim notification is exempt from public inspection and copying, instead of only records that reveal any notification or request for notification regarding a specific individual.

Adds six felonies to the crimes for which victims may request notification from the department of corrections prior to the incarcerated individual's release from custody or in the event of the individual's escape:

- Custodial interference;

- Luring of a minor or an individual with a developmental disability;
- Coercion into involuntary servitude;
- Criminal gang intimidation;
- Intimidating a public servant;
- Intimidation or harassment with an explosive.

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