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**SUBSTITUTE SENATE BILL 5081**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Human Services (originally sponsored by Senators Nobles, Trudeau, Dhingra, Frame, Hasegawa, Keiser, Lovick, Nguyen, Saldaña, Salomon, Shewmake, Stanford, Wagoner, Warnick, Wellman, C. Wilson, and J. Wilson; by request of Department of Corrections)

READ FIRST TIME 01/18/23.

1       AN ACT Relating to victim notification; amending RCW 72.09.712,  
2 72.09.710, and 72.09.714; and adding a new section to chapter 42.56  
3 RCW.

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

5       **Sec. 1.** RCW 72.09.712 and 2022 c 82 s 1 are each amended to read  
6 as follows:

7       (1) At the earliest possible date, and in no event later than  
8 thirty days before release except in the event of escape or emergency  
9 furloughs as defined in RCW 72.66.010, the department of corrections  
10 shall send written notice of parole, release, community custody, work  
11 release placement, furlough, or escape about a specific inmate  
12 convicted of a violent offense, a sex offense as defined by RCW  
13 9.94A.030, a domestic violence court order violation pursuant to RCW  
14 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070,  
15 or any of the former RCW 26.50.110 and 74.34.145, a felony harassment  
16 offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence  
17 offense as defined by RCW 10.99.020, an assault in the third degree  
18 offense as defined by RCW 9A.36.031, an unlawful imprisonment offense  
19 as defined by RCW 9A.40.040, a custodial interference in the first  
20 degree offense as defined by RCW 9A.40.060, a luring offense as  
21 defined by RCW 9A.40.090, a coercion into involuntary servitude

1 offense as defined by RCW 9A.40.110, a criminal gang intimidation  
2 offense as defined by RCW 9A.46.120, an intimidating a public servant  
3 offense as defined by RCW 9A.76.180, an intimidation or harassment  
4 with an explosive offense as defined by RCW 70.74.275, a vehicular  
5 homicide by disregard for the safety of others offense as defined by  
6 RCW 46.61.520, or a controlled substances homicide offense as defined  
7 by RCW 69.50.415, to the following:

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

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

13 The sheriff of the county where the offender was convicted shall  
14 be notified if the department does not know where the offender will  
15 reside. The department shall notify the state patrol of the release  
16 of all sex offenders, and that information shall be placed in the  
17 Washington crime information center for dissemination to all law  
18 enforcement.

19 (2) The same notice as required by subsection (1) of this section  
20 shall be sent to the following if such notice has been requested in  
21 writing about a specific inmate convicted of a violent offense, a sex  
22 offense as defined by RCW 9.94A.030, a domestic violence court order  
23 violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300,  
24 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and  
25 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or  
26 9A.46.110, a domestic violence offense as defined by RCW 10.99.020,  
27 an assault in the third degree offense as defined by RCW 9A.36.031,  
28 an unlawful imprisonment offense as defined by RCW 9A.40.040, a  
29 custodial interference in the first degree offense as defined by RCW  
30 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion  
31 into involuntary servitude offense as defined by RCW 9A.40.110, a  
32 criminal gang intimidation offense as defined by RCW 9A.46.120, an  
33 intimidating a public servant offense as defined by RCW 9A.76.180, an  
34 intimidation or harassment with an explosive offense as defined by  
35 RCW 70.74.275, a vehicular homicide by disregard for the safety of  
36 others offense as defined by RCW 46.61.520, or a controlled  
37 substances homicide offense as defined by RCW 69.50.415:

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

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

3 (c) Any person specified in writing by the prosecuting attorney;  
4 and

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

9 Information regarding victims, next of kin, or witnesses  
10 requesting the notice, information regarding any other person  
11 specified in writing by the prosecuting attorney to receive the  
12 notice, and the notice are confidential and shall not be available to  
13 the inmate. Whenever the department of corrections mails notice  
14 pursuant to this subsection and the notice is returned as  
15 undeliverable, the department shall attempt alternative methods of  
16 notification, including a telephone call to the person's last known  
17 telephone number.

18 (3) The existence of the notice requirements contained in  
19 subsections (1) and (2) of this section shall not require an  
20 extension of the release date in the event that the release plan  
21 changes after notification.

22 (4) If an inmate convicted of a violent offense, a sex offense as  
23 defined by RCW 9.94A.030, a domestic violence court order violation  
24 pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300,  
25 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and  
26 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or  
27 9A.46.110, a domestic violence offense as defined by RCW 10.99.020,  
28 an assault in the third degree offense as defined by RCW 9A.36.031,  
29 an unlawful imprisonment offense as defined by RCW 9A.40.040, a  
30 custodial interference in the first degree offense as defined by RCW  
31 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion  
32 into involuntary servitude offense as defined by RCW 9A.40.110, a  
33 criminal gang intimidation offense as defined by RCW 9A.46.120, an  
34 intimidating a public servant offense as defined by RCW 9A.76.180, an  
35 intimidation or harassment with an explosive offense as defined by  
36 RCW 70.74.275, a vehicular homicide by disregard for the safety of  
37 others offense as defined by RCW 46.61.520, or a controlled  
38 substances homicide offense as defined by RCW 69.50.415, escapes from  
39 a correctional facility, the department of corrections shall  
40 immediately notify, by the most reasonable and expedient means

1 available, the chief of police of the city and the sheriff of the  
2 county in which the inmate resided immediately before the inmate's  
3 arrest and conviction. If previously requested, the department shall  
4 also notify the witnesses and the victim of the crime for which the  
5 inmate was convicted or the victim's next of kin if the crime was a  
6 homicide. If the inmate is recaptured, the department shall send  
7 notice to the persons designated in this subsection as soon as  
8 possible but in no event later than two working days after the  
9 department learns of such recapture.

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

13 (6) The department of corrections shall send the notices required  
14 by this chapter to the last address provided to the department by the  
15 requesting party. The requesting party shall furnish the department  
16 with a current address.

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

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

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

25 (8) For purposes of this section the following terms have the  
26 following meanings:

27 (a) "Violent offense" means a violent offense under RCW  
28 9.94A.030;

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

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

35 (10) Information and records prepared, owned, used, or retained  
36 by the department of corrections that reveal any notification or  
37 request for notification regarding any specific individual, or that  
38 reveal the identity, location of, or any information submitted by a  
39 person who requests or is invited to enroll for notification under

1 subsection (2) of this section, are exempt from public inspection and  
2 copying under chapter 42.56 RCW.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.56  
4 RCW to read as follows:

5 Information and records prepared, owned, used, or retained by the  
6 department of corrections that reveal any notification or request for  
7 notification regarding any specific individual, or that reveal the  
8 identity, location of, or any information submitted by a person who  
9 requests or is invited to enroll for notification under RCW  
10 72.09.712(2) or 72.09.710(1), are exempt from public inspection and  
11 copying under this chapter.

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

14 (1) At the earliest possible date, and in no event later than ten  
15 days before release except in the event of escape or emergency  
16 furloughs as defined in RCW 72.66.010, the department of corrections  
17 shall send written notice of parole, community custody, work release  
18 placement, furlough, or escape about a specific inmate convicted of a  
19 serious drug offense to the following if such notice has been  
20 requested in writing about a specific inmate convicted of a serious  
21 drug offense:

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

24 (b) Any person specified in writing by the prosecuting attorney.  
25 Information regarding witnesses requesting the notice, information  
26 regarding any other person specified in writing by the prosecuting  
27 attorney to receive the notice, and the notice are confidential and  
28 shall not be available to the inmate.

29 (2) If an inmate convicted of a serious drug offense escapes from  
30 a correctional facility, the department of corrections shall  
31 immediately notify, by the most reasonable and expedient means  
32 available, the chief of police of the city and the sheriff of the  
33 county in which the inmate resided immediately before the inmate's  
34 arrest and conviction. If previously requested, the department shall  
35 also notify the witnesses who are entitled to notice under this  
36 section. If the inmate is recaptured, the department shall send  
37 notice to the persons designated in this subsection as soon as

1 possible but in no event later than two working days after the  
2 department learns of such recapture.

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

6 (4) The department of corrections shall send the notices required  
7 by this section to the last address provided to the department by the  
8 requesting party. The requesting party shall furnish the department  
9 with a current address.

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

13 (6) Information and records prepared, owned, used, or retained by  
14 the department of corrections that reveal any notification or request  
15 for notification regarding any specific individual, or that reveal  
16 the identity, location of, or any information submitted by a person  
17 who requests or is invited to enroll for notification under  
18 subsection (1) of this section, are exempt from public inspection and  
19 copying under chapter 42.56 RCW.

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

22 The department of corrections shall provide the victims,  
23 witnesses, and next of kin in the case of a homicide and victims and  
24 witnesses involved in violent offense cases, sex offenses as defined  
25 by RCW 9.94A.030, a domestic violence court order violation pursuant  
26 to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.10.220,  
27 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and  
28 74.34.145, ~~((or))~~ a felony harassment pursuant to RCW 9A.46.060 or  
29 9A.46.110, a domestic violence offense as defined in RCW 10.99.020,  
30 an assault in the third degree offense under RCW 9A.36.031, an  
31 unlawful imprisonment offense under RCW 9A.40.040, a custodial  
32 interference in the first degree offense as defined by RCW 9A.40.060,  
33 a luring offense as defined by RCW 9A.40.090, a coercion into  
34 involuntary servitude offense as defined by RCW 9A.40.110, a criminal  
35 gang intimidation offense as defined by RCW 9A.46.120, an  
36 intimidating a public servant offense as defined by RCW 9A.76.180, an  
37 intimidation or harassment with an explosive offense as defined by  
38 RCW 70.74.275, a vehicular homicide by disregard for the safety of  
39 others offense under RCW 46.61.520, or a controlled substances

1 homicide offense under RCW 69.50.415, a statement of the rights of  
2 victims and witnesses to request and receive notification under RCW  
3 72.09.712 and 72.09.716.

--- **END** ---