
SUBSTITUTE SENATE BILL 5081

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)

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 vehicular homicide by disregard for
20 the safety of others offense as defined by RCW 46.61.520, or a

1 controlled substances homicide offense as defined by RCW 69.50.415,
2 to the following:

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

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

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

14 (2) The same notice as required by subsection (1) of this section
15 shall be sent to the following if such notice has been requested in
16 writing about a specific inmate convicted of a violent offense, a sex
17 offense as defined by RCW 9.94A.030, a domestic violence court order
18 violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300,
19 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and
20 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or
21 9A.46.110, a domestic violence offense as defined by RCW 10.99.020,
22 an assault in the third degree offense as defined by RCW 9A.36.031,
23 an unlawful imprisonment offense as defined by RCW 9A.40.040, a
24 vehicular homicide by disregard for the safety of others offense as
25 defined by RCW 46.61.520, or a controlled substances homicide offense
26 as defined by RCW 69.50.415:

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

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

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

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

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

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

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

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

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

35 (6) The department of corrections shall send the notices required
36 by this chapter to the last address provided to the department by the
37 requesting party. The requesting party shall furnish the department
38 with a current address.

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

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

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

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

9 (a) "Violent offense" means a violent offense under RCW
10 9.94A.030;

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

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

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

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

26 Information and records prepared, owned, used, or retained by the
27 department of corrections that reveal any notification or request for
28 notification regarding any specific individual, including the
29 identity, location of, or any information submitted by a person who
30 requests or is invited to enroll for notification under RCW
31 72.09.712(2) or 72.09.710(1), are exempt from public inspection and
32 copying under this chapter.

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

35 (1) At the earliest possible date, and in no event later than ten
36 days before release except in the event of escape or emergency
37 furloughs as defined in RCW 72.66.010, the department of corrections
38 shall send written notice of parole, community custody, work release

1 placement, furlough, or escape about a specific inmate convicted of a
2 serious drug offense to the following if such notice has been
3 requested in writing about a specific inmate convicted of a serious
4 drug offense:

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

7 (b) Any person specified in writing by the prosecuting attorney.

8 Information regarding witnesses requesting the notice, information
9 regarding any other person specified in writing by the prosecuting
10 attorney to receive the notice, and the notice are confidential and
11 shall not be available to the inmate.

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

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

26 (4) The department of corrections shall send the notices required
27 by this section to the last address provided to the department by the
28 requesting party. The requesting party shall furnish the department
29 with a current address.

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

33 (6) Information and records prepared, owned, used, or retained by
34 the department of corrections that reveal any notification or request
35 for notification regarding any specific individual, including the
36 identity, location of, or any information submitted by a person who
37 requests or is invited to enroll for notification under subsection
38 (1) of this section, are exempt from public inspection and copying
39 under chapter 42.56 RCW.

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

3 The department of corrections shall provide the victims,
4 witnesses, and next of kin in the case of a homicide and victims and
5 witnesses involved in violent offense cases, sex offenses as defined
6 by RCW 9.94A.030, a domestic violence court order violation pursuant
7 to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.10.220,
8 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and
9 74.34.145, (~~or~~) a felony harassment pursuant to RCW 9A.46.060 or
10 9A.46.110, a domestic violence offense as defined in RCW 10.99.020,
11 an assault in the third degree offense under RCW 9A.36.031, an
12 unlawful imprisonment offense under RCW 9A.40.040, a vehicular
13 homicide by disregard for the safety of others offense under RCW
14 46.61.520, or a controlled substances homicide offense under RCW
15 69.50.415, a statement of the rights of victims and witnesses to
16 request and receive notification under RCW 72.09.712 and 72.09.716.

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