
SECOND SUBSTITUTE SENATE BILL 6316

State of Washington

61st Legislature

2010 Regular Session

By Senate Ways & Means (originally sponsored by Senators Carrell, King, Hewitt, Stevens, and Delvin)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to coordination between local law enforcement and
2 the department of corrections; amending RCW 10.31.100 and 36.28A.040;
3 creating new sections; and providing an expiration date.

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

5 **Sec. 1.** RCW 10.31.100 and 2006 c 138 s 23 are each amended to read
6 as follows:

7 (1) A police officer having probable cause to believe that a person
8 has committed or is committing a felony shall have the authority to
9 arrest the person without a warrant.

10 (2) Except as otherwise provided in this section, a police officer
11 may arrest a person without a warrant for committing a misdemeanor or
12 gross misdemeanor only when the offense is committed in the presence of
13 the officer(~~(, except as provided in subsections (1) through (10) of~~
14 this section)).

15 ~~((+1))~~ (3) Any police officer having probable cause to believe
16 that a person has committed or is committing a misdemeanor or gross
17 misdemeanor, involving physical harm or threats of harm to any person
18 or property or the unlawful taking of property or involving the use or
19 possession of cannabis, or involving the acquisition, possession, or

1 consumption of alcohol by a person under the age of twenty-one years
2 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
3 or 9A.52.080, shall have the authority to arrest the person.

4 ~~((+2))~~ (4) A police officer shall arrest and take into custody,
5 pending release on bail, personal recognizance, or court order, a
6 person without a warrant when the officer has probable cause to believe
7 that:

8 (a) An order has been issued of which the person has knowledge
9 under RCW 26.44.063, or chapter 7.90, 10.99, 26.09, 26.10, 26.26,
10 26.50, or 74.34 RCW restraining the person and the person has violated
11 the terms of the order restraining the person from acts or threats of
12 violence, or restraining the person from going onto the grounds of or
13 entering a residence, workplace, school, or day care, or prohibiting
14 the person from knowingly coming within, or knowingly remaining within,
15 a specified distance of a location or, in the case of an order issued
16 under RCW 26.44.063, imposing any other restrictions or conditions upon
17 the person; or

18 (b) A foreign protection order, as defined in RCW 26.52.010, has
19 been issued of which the person under restraint has knowledge and the
20 person under restraint has violated a provision of the foreign
21 protection order prohibiting the person under restraint from contacting
22 or communicating with another person, or excluding the person under
23 restraint from a residence, workplace, school, or day care, or
24 prohibiting the person from knowingly coming within, or knowingly
25 remaining within, a specified distance of a location, or a violation of
26 any provision for which the foreign protection order specifically
27 indicates that a violation will be a crime; or

28 (c) The person is sixteen years or older and within the preceding
29 four hours has assaulted a family or household member as defined in RCW
30 10.99.020 and the officer believes: (i) A felonious assault has
31 occurred; (ii) an assault has occurred which has resulted in bodily
32 injury to the victim, whether the injury is observable by the
33 responding officer or not; or (iii) that any physical action has
34 occurred which was intended to cause another person reasonably to fear
35 imminent serious bodily injury or death. Bodily injury means physical
36 pain, illness, or an impairment of physical condition. When the
37 officer has probable cause to believe that family or household members
38 have assaulted each other, the officer is not required to arrest both

1 persons. The officer shall arrest the person whom the officer believes
2 to be the primary physical aggressor. In making this determination,
3 the officer shall make every reasonable effort to consider: (i) The
4 intent to protect victims of domestic violence under RCW 10.99.010;
5 (ii) the comparative extent of injuries inflicted or serious threats
6 creating fear of physical injury; and (iii) the history of domestic
7 violence between the persons involved.

8 ~~((+3))~~ (5) Any police officer having probable cause to believe
9 that a person has committed or is committing a violation of any of the
10 following traffic laws shall have the authority to arrest the person:

11 (a) RCW 46.52.010, relating to duty on striking an unattended car
12 or other property;

13 (b) RCW 46.52.020, relating to duty in case of injury to or death
14 of a person or damage to an attended vehicle;

15 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
16 racing of vehicles;

17 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
18 influence of intoxicating liquor or drugs;

19 (e) RCW 46.20.342, relating to driving a motor vehicle while
20 operator's license is suspended or revoked;

21 (f) RCW 46.61.5249, relating to operating a motor vehicle in a
22 negligent manner.

23 ~~((+4))~~ (6) A law enforcement officer investigating at the scene of
24 a motor vehicle accident may arrest the driver of a motor vehicle
25 involved in the accident if the officer has probable cause to believe
26 that the driver has committed in connection with the accident a
27 violation of any traffic law or regulation.

28 ~~((+5))~~ (7) Any police officer having probable cause to believe
29 that a person has committed or is committing a violation of RCW
30 79A.60.040 (operation of vessel in a reckless manner or operation of
31 vessel under the influence of intoxicating liquor) shall have the
32 authority to arrest the person.

33 ~~((+6))~~ (8) An officer may act upon the request of a law
34 enforcement officer in whose presence a traffic infraction was
35 committed, to stop, detain, arrest, or issue a notice of traffic
36 infraction to the driver who is believed to have committed the
37 infraction. The request by the witnessing officer shall give an

1 officer the authority to take appropriate action under the laws of the
2 state of Washington.

3 ~~((+7))~~ (9) Any police officer having probable cause to believe
4 that a person has committed or is committing any act of indecent
5 exposure, as defined in RCW 9A.88.010, may arrest the person.

6 ~~((+8))~~ (10) A police officer may arrest and take into custody,
7 pending release on bail, personal recognizance, or court order, a
8 person without a warrant when the officer has probable cause to believe
9 that an order has been issued of which the person has knowledge under
10 chapter 10.14 RCW and the person has violated the terms of that order.

11 ~~((+9))~~ (11) Any police officer having probable cause to believe
12 that a person has, within twenty-four hours of the alleged violation,
13 committed a violation of RCW 9A.50.020 (interference with health care
14 facility) may arrest such person.

15 ~~((+10))~~ (12) A police officer having probable cause to believe
16 that a person illegally possesses or illegally has possessed a firearm
17 or other dangerous weapon on private or public elementary or secondary
18 school premises shall have the authority to arrest the person.

19 For purposes of this subsection, the term "firearm" has the meaning
20 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
21 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

22 ~~((+11))~~ (13) Any police officer having probable cause to believe
23 that a person being supervised by the department of corrections has
24 violated a condition of his or her community custody may detain and
25 arrest the person if the officer has obtained oral or written
26 authorization to detain the person from the department.

27 (14) Except as specifically provided in subsections ~~((+2), (3),~~
28 (4), (5), ~~((and))~~ (6), and (8) of this section, nothing in this section
29 extends or otherwise affects the powers of arrest prescribed in Title
30 46 RCW.

31 ~~((+12))~~ (15) No police officer may be held criminally or civilly
32 liable for making an arrest pursuant to ~~((RCW 10.31.100 (2) or (8))~~
33 subsection (4) or (10) of this section if the police officer acts in
34 good faith and without malice.

35 **Sec. 2.** RCW 36.28A.040 and 2009 c 31 s 1 are each amended to read
36 as follows:

37 (1) No later than July 1, 2002, the Washington association of

1 sheriffs and police chiefs shall implement and operate an electronic
2 statewide city and county jail booking and reporting system. The
3 system shall serve as a central repository and instant information
4 source for offender information and jail statistical data. The system
5 may be placed on the Washington state justice information network and
6 be capable of communicating electronically with every Washington state
7 city and county jail and with all other Washington state criminal
8 justice agencies as defined in RCW 10.97.030.

9 (2) After the Washington association of sheriffs and police chiefs
10 has implemented an electronic jail booking system as described in
11 subsection (1) of this section, if a city or county jail or law
12 enforcement agency receives state or federal funding to cover the
13 entire cost of implementing or reconfiguring an electronic jail booking
14 system, the city or county jail or law enforcement agency shall
15 implement or reconfigure an electronic jail booking system that is in
16 compliance with the jail booking system standards developed pursuant to
17 subsection (4) of this section.

18 (3) After the Washington association of sheriffs and police chiefs
19 has implemented an electronic jail booking system as described in
20 subsection (1) of this section, city or county jails, or law
21 enforcement agencies that operate electronic jail booking systems, but
22 choose not to accept state or federal money to implement or reconfigure
23 electronic jail booking systems, shall electronically forward jail
24 booking information to the Washington association of sheriffs and
25 police chiefs. At a minimum the information forwarded shall include
26 the name of the offender, vital statistics, the date the offender was
27 arrested, the offenses arrested for, the date and time an offender is
28 released or transferred from a city or county jail, and if available,
29 the mug shot. The electronic format in which the information is sent
30 shall be at the discretion of the city or county jail, or law
31 enforcement agency forwarding the information. City and county jails
32 or law enforcement agencies that forward jail booking information under
33 this subsection are not required to comply with the standards developed
34 under subsection (4)(b) of this section.

35 (4) The Washington association of sheriffs and police chiefs shall
36 appoint, convene, and manage a statewide jail booking and reporting
37 system standards committee. The committee shall include
38 representatives from the Washington association of sheriffs and police

1 chiefs correction committee, the information service board's justice
2 information committee, the judicial information system, at least two
3 individuals who serve as jailers in a city or county jail, and other
4 individuals that the Washington association of sheriffs and police
5 chiefs places on the committee. The committee shall have the authority
6 to:

7 (a) Develop and amend as needed standards for the statewide jail
8 booking and reporting system and for the information that must be
9 contained within the system. At a minimum, the system shall contain:

10 (i) The offenses the individual has been charged with;

11 (ii) Descriptive and personal information about each offender
12 booked into a city or county jail. At a minimum, this information
13 shall contain the offender's name, vital statistics, address, and
14 mugshot;

15 (iii) Information about the offender while in jail, which could be
16 used to protect criminal justice officials that have future contact
17 with the offender, such as medical conditions, acts of violence, and
18 other behavior problems;

19 (iv) Statistical data indicating the current capacity of each jail
20 and the quantity and category of offenses charged;

21 (v) The ability to communicate directly and immediately with the
22 city and county jails and other criminal justice entities; and

23 (vi) The date and time that an offender was released or transferred
24 from a local jail;

25 (b) Develop and amend as needed operational standards for city and
26 county jail booking systems, which at a minimum shall include the type
27 of information collected and transmitted, and the technical
28 requirements needed for the city and county jail booking system to
29 communicate with the statewide jail booking and reporting system;

30 (c) Develop and amend as needed standards for allocating grants to
31 city and county jails or law enforcement agencies that will be
32 implementing or reconfiguring electronic jail booking systems.

33 (5)(a) A statewide automated victim information and notification
34 system shall be added to the city and county jail booking and reporting
35 system. The system shall:

36 (i) Automatically notify a registered victim via the victim's
37 choice of telephone, letter, or e-mail when any of the following events

1 affect an offender housed in any Washington state city or county jail
2 or department of corrections facility:

- 3 (A) Is transferred or assigned to another facility;
- 4 (B) Is transferred to the custody of another agency outside the
5 state;
- 6 (C) Is given a different security classification;
- 7 (D) Is released on temporary leave or otherwise;
- 8 (E) Is discharged;
- 9 (F) Has escaped; or
- 10 (G) Has been served with a protective order that was requested by
11 the victim;

12 (ii) Automatically notify a registered victim via the victim's
13 choice of telephone, letter, or e-mail when an offender has:

14 (A) An upcoming court event where the victim is entitled to be
15 present, if the court information is made available to the statewide
16 automated victim information and notification system administrator at
17 the Washington association of sheriffs and police chiefs;

18 (B) An upcoming parole, pardon, or community supervision hearing;
19 or

20 (C) A change in the offender's parole, probation, or community
21 supervision status including:

22 (I) A change in the offender's supervision status; or

23 (II) A change in the offender's address;

24 (iii) Automatically notify a registered victim via the victim's
25 choice of telephone, letter, or e-mail when a sex offender has:

26 (A) Updated his or her profile information with the state sex
27 offender registry; or

28 (B) Become noncompliant with the state sex offender registry;

29 (iv) Permit a registered victim to receive the most recent status
30 report for an offender in any Washington state city and county jail,
31 department of corrections, or sex offender registry by calling the
32 statewide automated victim information and notification system on a
33 toll-free telephone number or by accessing the statewide automated
34 victim information and notification system via a public web site. All
35 registered victims calling the statewide automated victim information
36 and notification system will be given the option to have live operator
37 assistance to help use the program on a twenty-four hour, three hundred
38 sixty-five day per year basis;

1 (v) Permit a crime victim to register, or registered victim to
2 update, the victim's registration information for the statewide
3 automated victim information and notification system by calling a toll-
4 free telephone number or by accessing a public web site; and

5 (vi) Ensure that the offender information contained within the
6 statewide automated victim information and notification system is
7 updated frequently to timely notify a crime victim that an offender has
8 been released or discharged or has escaped. However, the failure of
9 the statewide automated victim information and notification system to
10 provide notice to the victim does not establish a separate cause of
11 action by the victim against state officials, local officials, law
12 enforcement officers, or any related correctional authorities.

13 (b) Participation in the statewide automated victim information and
14 notification program satisfies any obligation to notify the crime
15 victim of an offender's custody status and the status of the offender's
16 upcoming court events so long as:

17 (i) Information making offender and case data available is provided
18 on a timely basis to the statewide automated victim information and
19 notification program; and

20 (ii) Information a victim submits to register and participate in
21 the victim notification system is only used for the sole purpose of
22 victim notification.

23 (c) Automated victim information and notification systems in
24 existence and operational as of July 22, 2007, shall not be required to
25 participate in the statewide system.

26 (6) No later than July 1, 2011, the Washington association of
27 sheriffs and police chiefs shall implement procedures as part of the
28 city and county jail booking and reporting system to automatically
29 notify the department of corrections when any of the following events
30 affect an offender housed in any Washington state city or county jail
31 who is being supervised by the department:

32 (a) Is booked into a facility;

33 (b) Is transferred or assigned to another facility;

34 (c) Is released on temporary leave or otherwise;

35 (d) Is discharged; or

36 (e) Has escaped.

37 (7) When funded, the Washington association of sheriffs and police

1 chiefs shall implement and operate an electronic statewide unified sex
2 offender notification and registration program.

3 ((+7)) (8) An appointed or elected official, public employee, or
4 public agency as defined in RCW 4.24.470, or combination of units of
5 government and its employees, as provided in RCW 36.28A.010, are immune
6 from civil liability for damages for any release of information or the
7 failure to release information related to the statewide automated
8 victim information and notification system, the electronic statewide
9 unified sex offender notification and registration program, and the
10 jail booking and reporting system as described in this section, so long
11 as the release was without gross negligence. The immunity provided
12 under this subsection applies to the release of relevant and necessary
13 information to other public officials, public employees, or public
14 agencies, and to the general public.

15 NEW SECTION. **Sec. 3.** (1) The department of corrections shall,
16 subject to funds appropriated for this purpose, provide law enforcement
17 with access to a hotline staffed by a community corrections officer who
18 can provide authorization to detain any individual under the
19 supervision of the department as provided in RCW 10.31.100(13). The
20 hotline shall be available twenty-four hours a day, seven days a week.

21 (2) An offender arrested pursuant to RCW 10.31.100(13) shall be
22 subject to the same proceedings as if the person were arrested by a
23 community corrections officer under RCW 9.94A.716.

24 (3) The department of corrections and Washington association of
25 sheriffs and police chiefs shall work cooperatively to inform all law
26 enforcement in the state of the community corrections hotline and the
27 availability of electronic access to view the community custody status
28 of an offender.

29 (4) No later than November 1, 2011, the department of corrections
30 shall provide a report to the governor and the appropriate committees
31 of the legislature including, but not limited to, the following
32 information:

33 (a) The number of total calls to the hotline and the number of
34 resulting arrests;

35 (b) The type of violation alleged and ultimate disposition of
36 violation;

1 (c) Utilization of the hotline and electronic information by
2 county;

3 (d) A survey of law enforcement regarding their experience using
4 the hotline and accessing electronic information;

5 (e) An assessment of the workability of the community corrections
6 hotline and recommendations for its continued use.

7 (5) The state, local governments, and their agencies, officers, or
8 employees are immune from civil liability for damages for the access or
9 operation of the community corrections hotline or any decision to
10 detain or not to detain an individual.

11 (6) This section expires June 30, 2012.

12 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this
13 act, referencing this act by bill or chapter number, is not provided by
14 June 30, 2010, in the omnibus appropriations act, this act is null and
15 void.

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