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**SENATE BILL 5776**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Miloscia, O'Ban, Wilson, and Pearson

AN ACT Relating to publishing offender photographs and enhancing public safety; amending RCW 70.48.100; adding a new section to chapter 72.09 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that public safety is a core mission of the department of corrections. Offenders under community supervision by the department may violate a condition of supervision and the secretary may issue warrants for the arrest of any offender who violates a condition of community custody. The legislature recognizes that public safety is best served when information about offenders in violation of conditions of supervision is made public. Where the department of corrections issues a secretary's warrant for the arrest of an offender, the information should include the most recent photograph of the offender to assist the public with identification and safety. The legislature finds that booking photographs may serve a public safety purpose and requires that this information should be published on the department's web site immediately after the department issues a warrant.

NEW SECTION. **Sec.**  A new section is added to chapter 72.09 RCW to read as follows:

The department must make public certain identifying information about an offender immediately upon issuance of a secretary's warrant for that offender. The information must be made conspicuously public on the department's web site, and must include a recent identifiable photograph of the offender that may be copied and distributed by the public for the purpose of enhanced safety. Where the department does not possess a recent identifiable photograph it may use any other booking photograph of the offender from another public agency. The information must be maintained on the department's web site until the offender is arrested.

**Sec.**  RCW 70.48.100 and 2016 c 154 s 6 are each amended to read as follows:

(1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) Except as provided in subsection (3) of this section, the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

(a) For use in inspections made pursuant to RCW 70.48.070;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted;

(d) To the Washington association of sheriffs and police chiefs;

(e) To the Washington institute for public policy, research and data analysis division of the department of social and health services, higher education institutions of Washington state, Washington state health care authority, state auditor's office, caseload forecast council, office of financial management, or the successor entities of these organizations, for the purpose of research in the public interest. Data disclosed for research purposes must comply with relevant state and federal statutes;

(f) To federal, state, or local agencies to determine eligibility for services such as medical, mental health, chemical dependency treatment, or veterans' services, and to allow for the provision of treatment to inmates during their stay or after release. Records disclosed for eligibility determination or treatment services must be held in confidence by the receiving agency, and the receiving agency must comply with all relevant state and federal statutes regarding the privacy of the disclosed records; or

(g) Upon the written permission of the person.

(3)(a) Law enforcement may use booking photographs of a person arrested or confined in a local or state penal institution to assist them in conducting investigations of crimes.

(b) Photographs and information concerning a person convicted of a sex offense as defined in RCW 9.94A.030 may be disseminated as provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of 1990.

(c) For the purposes of section 2 of this act, law enforcement must provide the department of corrections with any requested photographs, and booking photographs are not confidential records under subsection (2) of this section.

(4) Any jail that provides inmate records in accordance with subsection (2) of this section is not responsible for any unlawful secondary dissemination of the provided inmate records.

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