

SHB 2692 - H AMD 945

By Representative Orwall

WITHDRAWN 02/10/2012

1 On page 4, beginning on line 3, after "(1)" strike all material
2 through "faith." on line 29 and insert the following:

3 "For offenders convicted of patronizing a prostitute, the county
4 sheriff of the county in which the offense occurred shall cause to be
5 published by legal notice, advertising, or news release a community
6 notification in at least one legal newspaper with general circulation
7 in the relevant county. This requirement shall apply only if the
8 offender: (a) Has previously been convicted of patronizing a
9 prostitute; or (b) has been ordered to complete a program designed to
10 educate offenders about the negative costs of prostitution and fails
11 to complete the program within a reasonable time.

12 (2) The legal notice, advertising, or news release must contain a
13 photograph of the offender, the name of the offender, the city and
14 county of the offender's residential address, the date, time and place
15 of the arrest, and the disposition of the case.

16 (3) The included photograph of the offender shall be the booking
17 photograph taken in connection with the immediate offense. If no
18 booking photograph is available, the offender must provide a
19 photograph to the county sheriff within a reasonable time.

20 (4) Any appointed or elected public official, public employee, or
21 public agency as defined in RCW 4.24.470, or unit of local government
22 and its employees, as provided in RCW 36.28A.010, shall be immune from
23 civil or criminal liability for the release of information or
24 publication of a community notification under this section unless it
25 is shown that the official, employee, or agency acted with gross
26 negligence or in bad faith.

27

1 (5) The court clerk shall provide timely notification to the
2 county sheriff of any person meeting the criteria for notification
3 described in subsection (1) of this section.

4
5 **Sec. 4.** RCW 70.48.100 and 1990 c 3 s 130 are each amended to read
6 as follows:

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

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

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

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

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

19 (b) In jail certification proceedings;

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

22 (d) Upon the written permission of the person.

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

26 (b) Photographs and information concerning a person convicted of a
27 sex offense as defined in RCW 9.94A.030 may be disseminated as
28 provided in RCW 4.24.550, 9A.44.130, 9A.44.140, section 3 of this act,
29 10.01.200, 43.43.540, 43.43.745, 46.20.187, 70.48.470, 72.09.330, and
30 section 401, chapter 3, Laws of 1990."

31
32 Renumber the remaining sections consecutively and correct any
33 internal references accordingly. Correct the title.

EFFECT: Removes the responsibility for publishing offender information from the county clerk and places the responsibility with the county sheriff.

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