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**SUBSTITUTE HOUSE BILL 1723**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Hayes, Hurst, Harmsworth, Takko, Rodne, Griffey, Pettigrew, and Wilson)

AN ACT Relating to allowing booking photographs and electronic images at jails to be open to the public; and amending RCW 70.48.100.

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

**Sec.**  RCW 70.48.100 and 2014 c 225 s 105 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; and

(c) The booking photographs of each person confined in jail if:

(i) Charges have been filed;

(ii) An arraignment has taken place; and

(iii) The investigating or prosecuting authority has determined that release of the particular booking photograph would not compromise or impede an ongoing investigation in which case the photograph may not be released until the authority making the determination approves its release. A booking photograph that has not been released must be released when its release would no longer impede or compromise an ongoing investigation.

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

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

((~~(e)~~)) (d) 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; or

((~~(f)~~)) (e) 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 kidnapping offense as defined in RCW 9A.44.128 or 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.

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