
SENATE BILL 5776

State of Washington 65th Legislature 2017 Regular Session

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

Read first time 02/09/17. Referred to Committee on Law & Justice.

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

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

5 NEW SECTION. **Sec. 1.** The legislature finds that public safety
6 is a core mission of the department of corrections. Offenders under
7 community supervision by the department may violate a condition of
8 supervision and the secretary may issue warrants for the arrest of
9 any offender who violates a condition of community custody. The
10 legislature recognizes that public safety is best served when
11 information about offenders in violation of conditions of supervision
12 is made public. Where the department of corrections issues a
13 secretary's warrant for the arrest of an offender, the information
14 should include the most recent photograph of the offender to assist
15 the public with identification and safety. The legislature finds that
16 booking photographs may serve a public safety purpose and requires
17 that this information should be published on the department's web
18 site immediately after the department issues a warrant.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09
20 RCW to read as follows:

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

11 **Sec. 3.** RCW 70.48.100 and 2016 c 154 s 6 are each amended to
12 read as follows:

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

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

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

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

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

25 (b) In jail certification proceedings;

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

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

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

37 (f) To federal, state, or local agencies to determine eligibility
38 for services such as medical, mental health, chemical dependency
39 treatment, or veterans' services, and to allow for the provision of

1 treatment to inmates during their stay or after release. Records
2 disclosed for eligibility determination or treatment services must be
3 held in confidence by the receiving agency, and the receiving agency
4 must comply with all relevant state and federal statutes regarding
5 the privacy of the disclosed records; or

6 (g) Upon the written permission of the person.

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

10 (b) Photographs and information concerning a person convicted of
11 a sex offense as defined in RCW 9.94A.030 may be disseminated as
12 provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540,
13 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter
14 3, Laws of 1990.

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

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

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