

CERTIFICATION OF ENROLLMENT

SENATE BILL 5332

Chapter 204, Laws of 2007

60th Legislature
2007 Regular Session

VICTIM INFORMATION AND NOTIFICATION SYSTEM

EFFECTIVE DATE: 07/22/07

Passed by the Senate April 16, 2007
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 5, 2007
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 27, 2007, 2:06 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5332** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 30, 2007

**Secretary of State
State of Washington**

SENATE BILL 5332

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senators Roach, Prentice and Rasmussen

Read first time 01/17/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to creating a statewide automated victim
2 information and notification system; amending RCW 36.28A.040; and
3 creating new sections.

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

5 **Sec. 1.** RCW 36.28A.040 and 2001 c 169 s 3 are each amended to read
6 as follows:

7 (1) No later than July 1, 2002, the Washington association of
8 sheriffs and police chiefs shall implement and operate an electronic
9 statewide city and county jail booking and reporting system. The
10 system shall serve as a central repository and instant information
11 source for offender information and jail statistical data. The system
12 (~~shall~~) may be placed on the Washington state justice information
13 network and be capable of communicating electronically with every
14 Washington state city and county jail and with all other Washington
15 state criminal justice agencies as defined in RCW 10.97.030.

16 (2) After the Washington association of sheriffs and police chiefs
17 has implemented an electronic jail booking system as described in
18 subsection (1) of this section, if a city or county jail or law
19 enforcement agency receives state or federal funding to cover the

1 entire cost of implementing or reconfiguring an electronic jail booking
2 system, the city or county jail or law enforcement agency shall
3 implement or reconfigure an electronic jail booking system that is in
4 compliance with the jail booking system standards developed pursuant to
5 subsection (4) of this section.

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

23 (4) The Washington association of sheriffs and police chiefs shall
24 appoint, convene, and manage a statewide jail booking and reporting
25 system standards committee. The committee shall include
26 representatives from the Washington association of sheriffs and police
27 chiefs correction committee, the information service board's justice
28 information committee, the judicial information system, at least two
29 individuals who serve as jailers in a city or county jail, and other
30 individuals that the Washington association of sheriffs and police
31 chiefs places on the committee. The committee shall have the authority
32 to:

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

- 36 (i) The offenses the individual has been charged with;
37 (ii) Descriptive and personal information about each offender

1 booked into a city or county jail. At a minimum, this information
2 shall contain the offender's name, vital statistics, address, and
3 mugshot;

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

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

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

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

14 (b) Develop and amend as needed operational standards for city and
15 county jail booking systems, which at a minimum shall include the type
16 of information collected and transmitted, and the technical
17 requirements needed for the city and county jail booking system to
18 communicate with the statewide jail booking and reporting system;

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

22 ~~(5) ((By January 1, 2001, the standards committee shall complete~~
23 ~~the initial standards described in subsection (4) of this section, and~~
24 ~~the standards shall be placed into a report and provided to all~~
25 ~~Washington state city and county jails, all other criminal justice~~
26 ~~agencies as defined in RCW 10.97.030, the chair of the Washington state~~
27 ~~senate human services and corrections committee, and the chair of the~~
28 ~~Washington state house of representatives criminal justice and~~
29 ~~corrections committee.))~~

30 (a) A statewide automated victim information
31 and notification system shall be added to the city and county jail
32 booking and reporting system. The system shall:

33 (i) Automatically notify a registered victim via the victim's
34 choice of telephone, letter, or e-mail when any of the following events
35 affect an offender housed in any Washington state city or county jail
36 or department of corrections facility:

37 (A) Is transferred or assigned to another facility;

38 (B) Is transferred to the custody of another agency outside the
state;

1 (C) Is given a different security classification;
2 (D) Is released on temporary leave or otherwise;
3 (E) Is discharged;
4 (F) Has escaped; or
5 (G) Has been served with a protective order that was requested by
6 the victim;
7 (ii) Automatically notify a registered victim via the victim's
8 choice of telephone, letter, or e-mail when an offender has:
9 (A) An upcoming court event where the victim is entitled to be
10 present, if the court information is made available to the statewide
11 automated victim information and notification system administrator at
12 the Washington association of sheriffs and police chiefs;
13 (B) An upcoming parole, pardon, or community supervision hearing;
14 or
15 (C) A change in the offender's parole, probation, or community
16 supervision status including:
17 (I) A change in the offender's supervision status; or
18 (II) A change in the offender's address;
19 (iii) Automatically notify a registered victim via the victim's
20 choice of telephone, letter, or e-mail when a sex offender has:
21 (A) Updated his or her profile information with the state sex
22 offender registry; or
23 (B) Become noncompliant with the state sex offender registry;
24 (iv) Permit a registered victim to receive the most recent status
25 report for an offender in any Washington state city and county jail,
26 department of corrections, or sex offender registry by calling the
27 statewide automated victim information and notification system on a
28 toll-free telephone number or by accessing the statewide automated
29 victim information and notification system via a public web site. All
30 registered victims calling the statewide automated victim information
31 and notification system will be given the option to have live operator
32 assistance to help use the program on a twenty-four hour, three hundred
33 sixty-five day per year basis;
34 (v) Permit a crime victim to register, or registered victim to
35 update, the victim's registration information for the statewide
36 automated victim information and notification system by calling a toll-
37 free telephone number or by accessing a public web site; and

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

9 (b) An appointed or elected official, public employee, or public
10 agency as defined in RCW 4.24.470, or units of government and its
11 employees, as provided in RCW 36.28A.010, are immune from civil
12 liability for damages for any release of information or the failure to
13 release information related to the statewide automated victim
14 information and notification system and the jail booking and reporting
15 system as described in this section, so long as the release was without
16 gross negligence. The immunity provided under this subsection applies
17 to the release of relevant and necessary information to other public
18 officials, public employees, or public agencies, and to the general
19 public.

20 (c) Participation in the statewide automated victim information and
21 notification program satisfies any obligation to notify the crime
22 victim of an offender's custody status and the status of the offender's
23 upcoming court events so long as:

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

27 (ii) Information a victim submits to register and participate in
28 the victim notification system is only used for the sole purpose of
29 victim notification.

30 (d) Automated victim information and notification systems in
31 existence and operational as of the effective date of this act shall
32 not be required to participate in the statewide system.

33 NEW SECTION. Sec. 2. In Washington any vendor contracted to
34 provide a statewide automated victim notification service must deliver
35 the service with a minimum of 99.95-percent availability and with less
36 than an average of one-percent notification errors as a result of the
37 vendor's technology.

1 NEW SECTION. **Sec. 3.** The department of corrections is not
2 required to provide any data to the Washington association of sheriffs
3 and police chiefs for the statewide automated victim information and
4 notification system as stated in section 1 of this act, until January
5 1, 2010.

Passed by the Senate April 16, 2007.

Passed by the House April 5, 2007.

Approved by the Governor April 27, 2007.

Filed in Office of Secretary of State April 30, 2007.