

HB 2817 - S COMM AMD

By Committee on Human Services & Corrections

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.28A.040 and 2009 c 31 s 1 are each amended to read
4 as follows:

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

14 (2) After the Washington association of sheriffs and police chiefs
15 has implemented an electronic jail booking system as described in
16 subsection (1) of this section, if a city or county jail or law
17 enforcement agency receives state or federal funding to cover the
18 entire cost of implementing or reconfiguring an electronic jail booking
19 system, the city or county jail or law enforcement agency shall
20 implement or reconfigure an electronic jail booking system that is in
21 compliance with the jail booking system standards developed pursuant to
22 subsection (4) of this section.

23 (3) After the Washington association of sheriffs and police chiefs
24 has implemented an electronic jail booking system as described in
25 subsection (1) of this section, city or county jails, or law
26 enforcement agencies that operate electronic jail booking systems, but
27 choose not to accept state or federal money to implement or reconfigure
28 electronic jail booking systems, shall electronically forward jail
29 booking information to the Washington association of sheriffs and
30 police chiefs. At a minimum the information forwarded shall include

1 the name of the offender, vital statistics, the date the offender was
2 arrested, the offenses arrested for, the date and time an offender is
3 released or transferred from a city or county jail, and if available,
4 the mug shot. The electronic format in which the information is sent
5 shall be at the discretion of the city or county jail, or law
6 enforcement agency forwarding the information. City and county jails
7 or law enforcement agencies that forward jail booking information under
8 this subsection are not required to comply with the standards developed
9 under subsection (4)(b) of this section.

10 (4) The Washington association of sheriffs and police chiefs shall
11 appoint, convene, and manage a statewide jail booking and reporting
12 system standards committee. The committee shall include
13 representatives from the Washington association of sheriffs and police
14 chiefs correction committee, the information service board's justice
15 information committee, the judicial information system, at least two
16 individuals who serve as jailers in a city or county jail, and other
17 individuals that the Washington association of sheriffs and police
18 chiefs places on the committee. The committee shall have the authority
19 to:

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

23 (i) The offenses the individual has been charged with;

24 (ii) Descriptive and personal information about each offender
25 booked into a city or county jail. At a minimum, this information
26 shall contain the offender's name, vital statistics, address, and
27 mugshot;

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

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

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

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

1 (b) Develop and amend as needed operational standards for city and
2 county jail booking systems, which at a minimum shall include the type
3 of information collected and transmitted, and the technical
4 requirements needed for the city and county jail booking system to
5 communicate with the statewide jail booking and reporting system;

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

9 (5)(a) A statewide automated victim information and notification
10 system shall be added to the city and county jail booking and reporting
11 system. The system shall:

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

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

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

19 (C) Is given a different security classification;

20 (D) Is released on temporary leave or otherwise;

21 (E) Is discharged;

22 (F) Has escaped; or

23 (G) Has been served with a protective order that was requested by
24 the victim;

25 (ii) Automatically notify a registered victim via the victim's
26 choice of telephone, letter, or e-mail when an offender has:

27 (A) An upcoming court event where the victim is entitled to be
28 present, if the court information is made available to the statewide
29 automated victim information and notification system administrator at
30 the Washington association of sheriffs and police chiefs;

31 (B) An upcoming parole, pardon, or community supervision hearing;
32 or

33 (C) A change in the offender's parole, probation, or community
34 supervision status including:

35 (I) A change in the offender's supervision status; or

36 (II) A change in the offender's address;

37 (iii) Automatically notify a registered victim via the victim's
38 choice of telephone, letter, or e-mail when a sex offender has:

1 (A) Updated his or her profile information with the state sex
2 offender registry; or

3 (B) Become noncompliant with the state sex offender registry;

4 (iv) Permit a registered victim to receive the most recent status
5 report for an offender in any Washington state city and county jail,
6 department of corrections, or sex offender registry by calling the
7 statewide automated victim information and notification system on a
8 toll-free telephone number or by accessing the statewide automated
9 victim information and notification system via a public web site. All
10 registered victims calling the statewide automated victim information
11 and notification system will be given the option to have live operator
12 assistance to help use the program on a twenty-four hour, three hundred
13 sixty-five day per year basis;

14 (v) Permit a crime victim to register, or registered victim to
15 update, the victim's registration information for the statewide
16 automated victim information and notification system by calling a toll-
17 free telephone number or by accessing a public web site; and

18 (vi) Ensure that the offender information contained within the
19 statewide automated victim information and notification system is
20 updated frequently to timely notify a crime victim that an offender has
21 been released or discharged or has escaped. However, the failure of
22 the statewide automated victim information and notification system to
23 provide notice to the victim does not establish a separate cause of
24 action by the victim against state officials, local officials, law
25 enforcement officers, or any related correctional authorities.

26 (b) Participation in the statewide automated victim information and
27 notification program satisfies any obligation to notify the crime
28 victim of an offender's custody status and the status of the offender's
29 upcoming court events so long as:

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

33 (ii) Information a victim submits to register and participate in
34 the victim notification system is only used for the sole purpose of
35 victim notification.

36 (c) Automated victim information and notification systems in
37 existence and operational as of July 22, 2007, shall not be required to
38 participate in the statewide system.

1 (6) When funded, the Washington association of sheriffs and police
2 chiefs shall implement and operate an electronic statewide unified sex
3 offender notification and registration program. Information submitted
4 to the program by a person for the purpose of receiving notification
5 regarding a registered sex offender, including the person's name,
6 residential address, and e-mail address, are exempt from public
7 inspection and copying under chapter 42.56 RCW.

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

20 **Sec. 2.** RCW 42.56.240 and 2008 c 276 s 202 are each amended to
21 read as follows:

22 The following investigative, law enforcement, and crime victim
23 information is exempt from public inspection and copying under this
24 chapter:

25 (1) Specific intelligence information and specific investigative
26 records compiled by investigative, law enforcement, and penology
27 agencies, and state agencies vested with the responsibility to
28 discipline members of any profession, the nondisclosure of which is
29 essential to effective law enforcement or for the protection of any
30 person's right to privacy;

31 (2) Information revealing the identity of persons who are witnesses
32 to or victims of crime or who file complaints with investigative, law
33 enforcement, or penology agencies, other than the commission, if
34 disclosure would endanger any person's life, physical safety, or
35 property. If at the time a complaint is filed the complainant, victim,
36 or witness indicates a desire for disclosure or nondisclosure, such

1 desire shall govern. However, all complaints filed with the commission
2 about any elected official or candidate for public office must be made
3 in writing and signed by the complainant under oath;

4 (3) Any records of investigative reports prepared by any state,
5 county, municipal, or other law enforcement agency pertaining to sex
6 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
7 defined in RCW 71.09.020, which have been transferred to the Washington
8 association of sheriffs and police chiefs for permanent electronic
9 retention and retrieval pursuant to RCW 40.14.070(2)(b);

10 (4) License applications under RCW 9.41.070; copies of license
11 applications or information on the applications may be released to law
12 enforcement or corrections agencies;

13 (5) Information revealing the identity of child victims of sexual
14 assault who are under age eighteen. Identifying information means the
15 child victim's name, address, location, photograph, and in cases in
16 which the child victim is a relative or stepchild of the alleged
17 perpetrator, identification of the relationship between the child and
18 the alleged perpetrator; (~~and~~)

19 (6) The statewide gang database referenced in RCW 43.43.762; and

20 (7) Information submitted to the statewide unified sex offender
21 notification and registration program under RCW 36.28A.040(6) by a
22 person for the purpose of receiving notification regarding a registered
23 sex offender, including the person's name, residential address, and e-
24 mail address."

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25 On page 1, line 4 of the title, after "offenders;" strike the
26 remainder of the title and insert "and amending RCW 36.28A.040 and
27 42.56.240."

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