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HOUSE BILL 1223

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State of Washington

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By Representatives O'Brien, Pearson, Ross, Klippert, Kelley, Schmick, and Herrera

Read first time 01/15/09. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to creating an electronic statewide unified sex  
2 offender registry program; and amending RCW 36.28A.040.

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

4 **Sec. 1.** RCW 36.28A.040 and 2007 c 204 s 1 are each amended to read  
5 as follows:

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

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

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

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

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

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

- 35 (i) The offenses the individual has been charged with;
- 36 (ii) Descriptive and personal information about each offender  
37 booked into a city or county jail. At a minimum, this information

1 shall contain the offender's name, vital statistics, address, and  
2 mugshot;

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

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

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

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

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

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

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

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

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

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

31 (C) Is given a different security classification;

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

33 (E) Is discharged;

34 (F) Has escaped; or

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

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

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

5 (B) An upcoming parole, pardon, or community supervision hearing;  
6 or

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

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

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

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

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

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

16 (iv) Permit a registered victim to receive the most recent status  
17 report for an offender in any Washington state city and county jail,  
18 department of corrections, or sex offender registry by calling the  
19 statewide automated victim information and notification system on a  
20 toll-free telephone number or by accessing the statewide automated  
21 victim information and notification system via a public web site. All  
22 registered victims calling the statewide automated victim information  
23 and notification system will be given the option to have live operator  
24 assistance to help use the program on a twenty-four hour, three hundred  
25 sixty-five day per year basis;

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

30 (vi) Ensure that the offender information contained within the  
31 statewide automated victim information and notification system is  
32 updated frequently to timely notify a crime victim that an offender has  
33 been released or discharged or has escaped. However, the failure of  
34 the statewide automated victim information and notification system to  
35 provide notice to the victim does not establish a separate cause of  
36 action by the victim against state officials, local officials, law  
37 enforcement officers, or any related correctional authorities.

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

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

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

20 (ii) Information a victim submits to register and participate in  
21 the victim notification system is only used for the sole purpose of  
22 victim notification.

23 (d) Automated victim information and notification systems in  
24 existence and operational as of July 22, 2007, shall not be required to  
25 participate in the statewide system.

26 (6) When funded, the Washington association of sheriffs and police  
27 chiefs shall implement and operate an electronic statewide unified sex  
28 offender registry program.

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