
HOUSE BILL 3115

State of Washington 61st Legislature 2010 Regular Session

By Representatives Klippert, O'Brien, McCune, Wallace, and Roach

Read first time 01/25/10. Referred to Committee on Human Services.

1 AN ACT Relating to coordination between local law enforcement and
2 the department of corrections; amending RCW 9.94A.716 and 36.28A.040;
3 adding a new section to chapter 72.09 RCW; and creating a new section.

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

5 **Sec. 1.** RCW 9.94A.716 and 2008 c 231 s 21 are each amended to read
6 as follows:

7 (1) The secretary may issue warrants for the arrest of any offender
8 who violates a condition of community custody. The arrest warrants
9 shall authorize any law enforcement or peace officer or community
10 corrections officer of this state or any other state where such
11 offender may be located, to arrest the offender and place him or her in
12 total confinement pending disposition of the alleged violation.

13 (2) A community corrections officer or law enforcement or peace
14 officer, if he or she has reasonable cause to believe an offender has
15 violated a condition of community custody, may suspend the person's
16 community custody status and arrest or cause the arrest and detention
17 in total confinement of the offender, pending the determination of the
18 secretary as to whether the violation has occurred. The community

1 corrections officer or law enforcement or peace officer shall report to
2 the secretary all facts and circumstances and the reasons for the
3 action of suspending community custody status.

4 (3) If an offender has been arrested for a new felony offense while
5 under community custody the department shall hold the offender in total
6 confinement until a hearing before the department as provided in this
7 section or until the offender has been formally charged for the new
8 felony offense, whichever is earlier. Nothing in this subsection shall
9 be construed as to permit the department to hold an offender past his
10 or her maximum term of total confinement if the offender has not
11 completed the maximum term of total confinement or to permit the
12 department to hold an offender past the offender's term of community
13 custody.

14 (4) A violation of a condition of community custody shall be deemed
15 a violation of the sentence for purposes of RCW 9.94A.631. The
16 authority granted to community corrections officers under this section
17 shall be in addition to that set forth in RCW 9.94A.631.

18 **Sec. 2.** RCW 36.28A.040 and 2009 c 31 s 1 are each amended to read
19 as follows:

20 (1) No later than July 1, 2002, the Washington association of
21 sheriffs and police chiefs shall implement and operate an electronic
22 statewide city and county jail booking and reporting system. The
23 system shall serve as a central repository and instant information
24 source for offender information and jail statistical data. The system
25 may be placed on the Washington state justice information network and
26 be capable of communicating electronically with every Washington state
27 city and county jail and with all other Washington state criminal
28 justice agencies as defined in RCW 10.97.030.

29 (2) After the Washington association of sheriffs and police chiefs
30 has implemented an electronic jail booking system as described in
31 subsection (1) of this section, if a city or county jail or law
32 enforcement agency receives state or federal funding to cover the
33 entire cost of implementing or reconfiguring an electronic jail booking
34 system, the city or county jail or law enforcement agency shall
35 implement or reconfigure an electronic jail booking system that is in
36 compliance with the jail booking system standards developed pursuant to
37 subsection (4) of this section.

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

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

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

- 31 (i) The offenses the individual has been charged with;
- 32 (ii) Descriptive and personal information about each offender
33 booked into a city or county jail. At a minimum, this information
34 shall contain the offender's name, vital statistics, address, and
35 mugshot;
- 36 (iii) Information about the offender while in jail, which could be
37 used to protect criminal justice officials that have future contact

1 with the offender, such as medical conditions, acts of violence, and
2 other behavior problems;

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

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

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

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

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

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

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

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

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

27 (C) Is given a different security classification;

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

29 (E) Is discharged;

30 (F) Has escaped; or

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

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

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

1 (B) An upcoming parole, pardon, or community supervision hearing;
2 or
3 (C) A change in the offender's parole, probation, or community
4 supervision status including:
5 (I) A change in the offender's supervision status; or
6 (II) A change in the offender's address;
7 (iii) Automatically notify a registered victim via the victim's
8 choice of telephone, letter, or e-mail when a sex offender has:
9 (A) Updated his or her profile information with the state sex
10 offender registry; or
11 (B) Become noncompliant with the state sex offender registry;
12 (iv) Permit a registered victim to receive the most recent status
13 report for an offender in any Washington state city and county jail,
14 department of corrections, or sex offender registry by calling the
15 statewide automated victim information and notification system on a
16 toll-free telephone number or by accessing the statewide automated
17 victim information and notification system via a public web site. All
18 registered victims calling the statewide automated victim information
19 and notification system will be given the option to have live operator
20 assistance to help use the program on a twenty-four hour, three hundred
21 sixty-five day per year basis;
22 (v) Permit a crime victim to register, or registered victim to
23 update, the victim's registration information for the statewide
24 automated victim information and notification system by calling a toll-
25 free telephone number or by accessing a public web site; and
26 (vi) Ensure that the offender information contained within the
27 statewide automated victim information and notification system is
28 updated frequently to timely notify a crime victim that an offender has
29 been released or discharged or has escaped. However, the failure of
30 the statewide automated victim information and notification system to
31 provide notice to the victim does not establish a separate cause of
32 action by the victim against state officials, local officials, law
33 enforcement officers, or any related correctional authorities.
34 (b) Participation in the statewide automated victim information and
35 notification program satisfies any obligation to notify the crime
36 victim of an offender's custody status and the status of the offender's
37 upcoming court events so long as:

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

4 (ii) Information a victim submits to register and participate in
5 the victim notification system is only used for the sole purpose of
6 victim notification.

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

10 (6) No later than July 1, 2011, the Washington association of
11 sheriffs and police chiefs shall implement procedures as part of the
12 city and county jail booking and reporting system to automatically
13 notify the department of corrections when any of the following events
14 affect an offender housed in any Washington state city or county jail
15 who is being supervised by the department:

16 (a) Is booked into a facility;

17 (b) Is transferred or assigned to another facility;

18 (c) Is released on temporary leave or otherwise;

19 (d) Is discharged; or

20 (e) Has escaped.

21 (7) When funded, the Washington association of sheriffs and police
22 chiefs shall implement and operate an electronic statewide unified sex
23 offender notification and registration program.

24 ~~((+7))~~ (8) An appointed or elected official, public employee, or
25 public agency as defined in RCW 4.24.470, or combination of units of
26 government and its employees, as provided in RCW 36.28A.010, are immune
27 from civil liability for damages for any release of information or the
28 failure to release information related to the statewide automated
29 victim information and notification system, the electronic statewide
30 unified sex offender notification and registration program, and the
31 jail booking and reporting system as described in this section, so long
32 as the release was without gross negligence. The immunity provided
33 under this subsection applies to the release of relevant and necessary
34 information to other public officials, public employees, or public
35 agencies, and to the general public.

36 NEW SECTION. Sec. 3. A new section is added to chapter 72.09 RCW
37 to read as follows:

1 No later than July 1, 2011, the department shall provide all local
2 law enforcement in the state with access to the offender management
3 network information system such that local law enforcement can
4 immediately access the supervision status of an offender.

5 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this
6 act, referencing this act by bill or chapter number, is not provided by
7 June 30, 2010, in the omnibus appropriations act, this act is null and
8 void.

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