

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5261

Chapter 31, Laws of 2009

61st Legislature
2009 Regular Session

ELECTRONIC STATEWIDE UNIFIED SEX OFFENDER NOTIFICATION AND
REGISTRATION PROGRAM

EFFECTIVE DATE: 07/26/09

Passed by the Senate March 3, 2009
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 30, 2009
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 8, 2009, 3:42 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 **SUBSTITUTE SENATE BILL 5261** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 9, 2009

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5261

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Human Services & Corrections (originally sponsored by
Senators Regala, Stevens, Hargrove, and Shin)

READ FIRST TIME 02/12/09.

1 AN ACT Relating to creating an electronic statewide unified sex
2 offender notification and registration program; and amending RCW
3 36.28A.040.

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

5 **Sec. 1.** RCW 36.28A.040 and 2007 c 204 s 1 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 may be placed on the Washington state justice information network and
13 be capable of communicating electronically with every Washington state
14 city and county jail and with all other Washington state criminal
15 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)(a) A statewide automated victim information and notification
23 system shall be added to the city and county jail booking and reporting
24 system. The system shall:

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

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

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

32 (C) Is given a different security classification;

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

34 (E) Is discharged;

35 (F) Has escaped; or

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

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

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

7 (B) An upcoming parole, pardon, or community supervision hearing;
8 or

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

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

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

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

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

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

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

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

32 (vi) Ensure that the offender information contained within the
33 statewide automated victim information and notification system is
34 updated frequently to timely notify a crime victim that an offender has
35 been released or discharged or has escaped. However, the failure of
36 the statewide automated victim information and notification system to
37 provide notice to the victim does not establish a separate cause of

1 action by the victim against state officials, local officials, law
2 enforcement officers, or any related correctional authorities.

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

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

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

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

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

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

30 (7) An appointed or elected official, public employee, or public
31 agency as defined in RCW 4.24.470, or combination of units of
32 government and its employees, as provided in RCW 36.28A.010, are immune
33 from civil liability for damages for any release of information or the
34 failure to release information related to the statewide automated
35 victim information and notification system, the electronic statewide
36 unified sex offender notification and registration program, and the
37 jail booking and reporting system as described in this section, so long
38 as the release was without gross negligence. The immunity provided

1 under this subsection applies to the release of relevant and necessary
2 information to other public officials, public employees, or public
3 agencies, and to the general public.

Passed by the Senate March 3, 2009.

Passed by the House March 30, 2009.

Approved by the Governor April 8, 2009.

Filed in Office of Secretary of State April 9, 2009.