

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6361

Chapter 266, Laws of 2010

61st Legislature
2010 Regular Session

PUBLIC RECORDS EXEMPTION--SEX OFFENDER REGISTRATION ALERTS

EFFECTIVE DATE: 06/10/10

Passed by the Senate February 11, 2010
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 2010
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 31, 2010, 4:04 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 6361** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 1, 2010

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6361

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senate Human Services & Corrections (originally sponsored by
Senators Brandland, Hargrove, Carrell, Roach, and Marr)

READ FIRST TIME 01/28/10.

1 AN ACT Relating to a person's identifying information submitted in
2 the course of using the electronic statewide unified sex offender
3 notification and registration program for the purpose of receiving
4 notification regarding registered sex offenders; and amending RCW
5 36.28A.040 and 42.56.240.

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

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

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

18 (2) After the Washington association of sheriffs and police chiefs
19 has implemented an electronic jail booking system as described in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (C) Is given a different security classification;

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

35 (E) Is discharged;

36 (F) Has escaped; or

37 (G) Has been served with a protective order that was requested by
38 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) Participation in the statewide automated victim information and
4 notification program satisfies any obligation to notify the crime
5 victim of an offender's custody status and the status of the offender's
6 upcoming court events so long as:

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

10 (ii) Information a victim submits to register and participate in
11 the victim notification system is only used for the sole purpose of
12 victim notification.

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

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

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

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

1 The following investigative, law enforcement, and crime victim
2 information is exempt from public inspection and copying under this
3 chapter:

4 (1) Specific intelligence information and specific investigative
5 records compiled by investigative, law enforcement, and penology
6 agencies, and state agencies vested with the responsibility to
7 discipline members of any profession, the nondisclosure of which is
8 essential to effective law enforcement or for the protection of any
9 person's right to privacy;

10 (2) Information revealing the identity of persons who are witnesses
11 to or victims of crime or who file complaints with investigative, law
12 enforcement, or penology agencies, other than the commission, if
13 disclosure would endanger any person's life, physical safety, or
14 property. If at the time a complaint is filed the complainant, victim,
15 or witness indicates a desire for disclosure or nondisclosure, such
16 desire shall govern. However, all complaints filed with the commission
17 about any elected official or candidate for public office must be made
18 in writing and signed by the complainant under oath;

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

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

28 (5) Information revealing the identity of child victims of sexual
29 assault who are under age eighteen. Identifying information means the
30 child victim's name, address, location, photograph, and in cases in
31 which the child victim is a relative or stepchild of the alleged
32 perpetrator, identification of the relationship between the child and
33 the alleged perpetrator; (~~and~~)

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

35 (7) Information submitted to the statewide unified sex offender
36 notification and registration program under RCW 36.28A.040(6) by a
37 person for the purpose of receiving notification regarding a registered

1 sex offender, including the person's name, residential address, and e-
2 mail address.

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Passed by the House March 5, 2010.

Approved by the Governor March 31, 2010.

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