2692-S AMH ORWA KOST 029

**SHB 2692** - H AMD **945**

By Representative Orwall

**WITHDRAWN 02/10/2012**

On page 4, beginning on line 3, after "(1)" strike all material through "faith." on line 29 and insert the following:

"For offenders convicted of patronizing a prostitute, the county sheriff of the county in which the offense occurred shall cause to be published by legal notice, advertising, or news release a community notification in at least one legal newspaper with general circulation in the relevant county. This requirement shall apply only if the offender: (a) Has previously been convicted of patronizing a prostitute; or (b) has been ordered to complete a program designed to educate offenders about the negative costs of prostitution and fails to complete the program within a reasonable time.

(2) The legal notice, advertising, or news release must contain a photograph of the offender, the name of the offender, the city and county of the offender's residential address, the date, time and place of the arrest, and the disposition of the case.

(3) The included photograph of the offender shall be the booking photograph taken in connection with the immediate offense. If no booking photograph is available, the offender must provide a photograph to the county sheriff within a reasonable time.

(4) Any appointed or elected public official, public employee, or

public agency as defined in RCW 4.24.470, or unit of local government and its employees, as provided in RCW 36.28A.010, shall be immune from civil or criminal liability for the release of information or publication of a community notification under this section unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.

(5) The court clerk shall provide timely notification to the county sheriff of any person meeting the criteria for notification described in subsection (1) of this section.

**Sec. 4.** RCW 70.48.100 and 1990 c 3 s 130 are each amended to read as follows:

(1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

(a) For use in inspections made pursuant to \*RCW 70.48.070;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted; or

(d) Upon the written permission of the person.

(3)(a) Law enforcement may use booking photographs of a person arrested or confined in a local or state penal institution to assist them in conducting investigations of crimes.

(b) Photographs and information concerning a person convicted of a sex offense as defined in RCW 9.94A.030 may be disseminated as provided in RCW 4.24.550, 9A.44.130, 9A.44.140, section 3 of this act, 10.01.200, 43.43.540, 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of 1990."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

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|  | EFFECT:   Removes the responsibility for publishing offender information from the county clerk and places the responsibility with the county sheriff. |

**--- END ---**