

HOUSE BILL REPORT

SSB 6502

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to creating a statewide automated victim information and notification system.

Brief Description: Creating a statewide automated victim information and notification system.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Roach, Kohl-Welles, Weinstein, Kline, McCaslin, Benton and Rasmussen).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/21/06, 2/23/06 [DPA].

Brief Summary of Substitute Bill
(As Amended by House Committee)

- Requires the Washington Association of Sheriffs and Police Chiefs to add a statewide automated victim information and notification system to its statewide central booking and reporting system.
- Requires the system to notify a victim whenever an offender transfers to a different facility, is discharged, changes supervision status, escapes, or has an upcoming court date.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 6 members: Representatives O'Brien, Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Minority Report: Do not pass. Signed by 1 member: Representative Darneille, Vice Chair.

Staff: Yvonne Walker (786-7841).

Background:

The Washington Association of Sheriffs and Police Chiefs (WASPC) operates a statewide central booking and reporting system. The system contains the following items:

- each offense for which an arrested individual is being charged;

- descriptive information about each offender such as the offender's name, vital statistics, address, and mugshot;
- date and time an offender is released or transferred from a city or county jail;
- any information about the offender while in jail that could be used to protect criminal justice officials who have future contact with the offender, such as medical conditions and behavior problems; and
- statistical data indicating the current capacity of each jail and the quantity and category of offenses charged.

The objectives of the Jail Booking and Reporting System are to:

- provide detailed information regarding offenders booked into the city and county jails throughout the state;
- provide near real-time access to the jail-booking system;
- provide jail personnel with information on inmates; and
- generate reports containing statistics on the inmate population such as offender bookings, releases, and average length of stay.

Summary of Amended Bill:

The WASPC must add a statewide automated victim information and notification system to its statewide central booking and reporting system. The system must automatically notify a registered victim when an offender:

- transfers to another facility;
- transfers to the custody of another agency outside the state;
- is given a different security classification;
- is released on leave or discharged;
- has escaped or has been served with a protective order that was requested by the victim;
- has an upcoming court event where the victim is entitled to be present, if the court information is made available to the WASPC;
- has an upcoming parole, pardon, or community supervision hearing;
- has a change in parole, probation, or community supervision status or an address change;
- has updated his or her profile information with the state sex offender registry; or
- has become noncompliant with the state sex offender registry.

The system must allow the victim to be notified via the victim's choice of telephone, letter, or e-mail. The system must also provide registered victims with the most recent status report for an offender in any city and county jail, state prison, or sex offender registry, by calling a toll-free telephone number or by accessing the system via the website. All registered victims calling the information and notification system will have the option of speaking to a live operator to help with the program 365 days of the year, 24 hours per day. The system must also permit a crime victim to register or update his or her registered information in the system by calling a toll-free telephone number or by accessing a public website.

Information contained in the system must be updated frequently to ensure information contained within the information and notification system can timely notify a victim when an offender has been released, discharged or escaped. The failure of the statewide automated victim information and notification system to provide notice to the victim does not establish a separate cause of action by the victim against state officials, local officials, law enforcement officers, or any related correctional authorities.

Authorized employees are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated victim information and notification system and the jail booking and reporting system, so long as the release was without gross negligence. The immunity applies to the release of relevant and necessary information to other public officials, public employees, public agencies, and to the general public.

Participation in the victim information and notification program satisfies any obligation to notify the crime victim of an offender's custody status and the status of the offender's upcoming court events so long as: (1) information making offender and case data available is provided on a timely basis to the statewide automated victim information and notification program; and (2) information a victim submits to register and participate in the victim notification system is only used for the sole purpose of victim notification.

Localities operating an automatic victim information and notification system in existence and operational as of the effective date of the act are not required to participate in the WASPC system.

Any vendor chosen and contracted by the WASPC must provide a statewide automated victim notification service with a minimum of 99.95 percent availability and with less than an average of 1 percent notification errors as a result of the vendor's technology.

Amended Bill Compared to Substitute Bill:

A technical correction is made to clarify that victims are able to receive the most recent status report for an offender in any "state prison" instead of in any "criminal justice agency." In addition, an amendment is made that states that any city or county currently operating a victim notification program does not have to participate in the WASPC's statewide system.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This year out of all the bills that the Legislature has considered regarding sex offenders none of them relate directly to victims of crime. There is currently no statewide system that lets victims know when their offender gets out of jail or prison. There are two

amendments that the committee should consider. One is a technical amendment and the other exempts King, Pierce, and Snohomish Counties from the bill since they already operate a victim notification and information system in their jurisdictions.

Testimony Against: None.

Persons Testifying: Senator Roach, prime sponsor; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.