
SUBSTITUTE SENATE BILL 6502

State of Washington

59th Legislature

2006 Regular Session

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

READ FIRST TIME 02/03/06.

1 AN ACT Relating to creating a statewide automated victim
2 information and notification system; amending RCW 36.28A.040; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that notifying victims
6 of crime when their offender is released from incarceration,
7 transferred, or served with a protective order is vital to enhancing
8 the safety and mental well-being of a victim. In recognition of the
9 victim's needs, some Washington state local governments have
10 implemented a victim notification system. However, only a few local
11 governments have implemented these systems which are presently not
12 connected to an interoperable statewide system.

13 The legislature has learned that nineteen states have passed
14 legislation to implement a statewide interoperable victim notification
15 system. The legislature has also learned that the statewide city and
16 county jail booking and reporting system, as created by RCW 36.28A.040,
17 could efficiently be enhanced to include a statewide automated victim
18 information and notification system. It is the intent of this act to

1 provide victims throughout our state with the knowledge they need to
2 secure their physical and mental well-being.

3 **Sec. 2.** RCW 36.28A.040 and 2001 c 169 s 3 are each amended to read
4 as follows:

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

14 (2) After the Washington association of sheriffs and police chiefs
15 has implemented an electronic jail booking system as described in
16 subsection (1) of this section, if a city or county jail or law
17 enforcement agency receives state or federal funding to cover the
18 entire cost of implementing or reconfiguring an electronic jail booking
19 system, the city or county jail or law enforcement agency shall
20 implement or reconfigure an electronic jail booking system that is in
21 compliance with the jail booking system standards developed pursuant to
22 subsection (4) of this section.

23 (3) After the Washington association of sheriffs and police chiefs
24 has implemented an electronic jail booking system as described in
25 subsection (1) of this section, city or county jails, or law
26 enforcement agencies that operate electronic jail booking systems, but
27 choose not to accept state or federal money to implement or reconfigure
28 electronic jail booking systems, shall electronically forward jail
29 booking information to the Washington association of sheriffs and
30 police chiefs. At a minimum the information forwarded shall include
31 the name of the offender, vital statistics, the date the offender was
32 arrested, the offenses arrested for, the date and time an offender is
33 released or transferred from a city or county jail, and if available,
34 the mug shot. The electronic format in which the information is sent
35 shall be at the discretion of the city or county jail, or law
36 enforcement agency forwarding the information. City and county jails

1 or law enforcement agencies that forward jail booking information under
2 this subsection are not required to comply with the standards developed
3 under subsection (4)(b) of this section.

4 (4) The Washington association of sheriffs and police chiefs shall
5 appoint, convene, and manage a statewide jail booking and reporting
6 system standards committee. The committee shall include
7 representatives from the Washington association of sheriffs and police
8 chiefs correction committee, the information service board's justice
9 information committee, the judicial information system, at least two
10 individuals who serve as jailers in a city or county jail, and other
11 individuals that the Washington association of sheriffs and police
12 chiefs places on the committee. The committee shall have the authority
13 to:

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

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

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

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

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

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

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

32 (b) Develop and amend as needed operational standards for city and
33 county jail booking systems, which at a minimum shall include the type
34 of information collected and transmitted, and the technical
35 requirements needed for the city and county jail booking system to
36 communicate with the statewide jail booking and reporting system;

37 (c) Develop and amend as needed standards for allocating grants to

1 city and county jails or law enforcement agencies that will be
2 implementing or reconfiguring electronic jail booking systems.

3 ~~(5) ((By January 1, 2001, the standards committee shall complete~~
4 ~~the initial standards described in subsection (4) of this section, and~~
5 ~~the standards shall be placed into a report and provided to all~~
6 ~~Washington state city and county jails, all other criminal justice~~
7 ~~agencies as defined in RCW 10.97.030, the chair of the Washington state~~
8 ~~senate human services and corrections committee, and the chair of the~~
9 ~~Washington state house of representatives criminal justice and~~
10 ~~corrections committee.))~~

11 (a) A statewide automated victim information
12 and notification system shall be added to the city and county jail
13 booking and reporting system. The system shall:

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

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

19 (B) Is transferred to the custody of another agency outside the
20 state;

21 (C) Is given a different security classification;

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

23 (E) Is discharged;

24 (F) Has escaped; or

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

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

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

33 (B) An upcoming parole, pardon, or community supervision hearing;
34 or

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

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

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

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

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

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

6 (iv) Permit a registered victim to receive the most recent status
7 report for an offender in any Washington state city and county jail,
8 Washington state criminal justice agencies as defined in RCW 10.97.030,
9 or sex offender registry by calling the statewide automated victim
10 information and notification system on a toll-free telephone number or
11 by accessing the statewide automated victim information and
12 notification system via a public web site. All registered victims
13 calling the statewide automated victim information and notification
14 system will be given the option to have live operator assistance to
15 help use the program on a twenty-four hour, three hundred sixty-five
16 day per year basis;

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

21 (vi) Ensure that the offender information contained within the
22 statewide automated victim information and notification system is
23 updated frequently to timely notify a crime victim that an offender has
24 been released or discharged or has escaped. However, the failure of
25 the statewide automated victim information and notification system to
26 provide notice to the victim does not establish a separate cause of
27 action by the victim against state officials, local officials, law
28 enforcement officers, or any related correctional authorities.

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

1 officials, public employees, or public agencies, and to the general
2 public.

3 (c) 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 NEW SECTION. Sec. 3. In Washington any vendor contracted to
14 provide a statewide automated victim notification service must deliver
15 the service with a minimum of 99.95-percent availability and with less
16 than an average of one-percent notification errors as a result of the
17 vendor's technology.

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