

SHB 2439 - S COMM AMD

By Committee on Human Services & Corrections

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 72.09 RCW
4 to read as follows:

5 The department shall cooperate with the immigration and customs
6 enforcement agency in determining the immigration status of every
7 offender admitted to an institution owned, or utilized under contract,
8 by the state. If the immigration and customs enforcement agency
9 determines that an offender is unlawfully in the United States or is
10 otherwise subject to deportation, the department shall release the
11 offender into the custody of the appropriate authorities after the
12 offender has served his or her term of confinement.

13 **Sec. 2.** RCW 72.02.100 and 1988 c 143 s 5 are each amended to read
14 as follows:

15 Any person serving a sentence for a term of confinement in a state
16 correctional facility for convicted felons, pursuant to court
17 commitment, who is thereafter released upon an order of parole of the
18 indeterminate (~~sentencing~~) sentence review board, or who is
19 discharged from custody upon expiration of sentence, or who is ordered
20 discharged from custody by a court of appropriate jurisdiction, shall
21 be entitled to retain his earnings from labor or employment while in
22 confinement and shall be supplied by the superintendent of the state
23 correctional facility with suitable and presentable clothing, the sum
24 of forty dollars for subsistence, and, except as provided in section 1
25 of this act, transportation by the least expensive method of public
26 transportation not to exceed the cost of one hundred dollars to his
27 place of residence or the place designated in his parole plan, or to
28 the place from which committed if such person is being discharged on
29 expiration of sentence, or discharged from custody by a court of

1 appropriate jurisdiction: PROVIDED, That up to sixty additional
2 dollars may be made available to the parolee for necessary personal and
3 living expenses upon application to and approval by such person's
4 community corrections officer. If in the opinion of the superintendent
5 suitable arrangements have been made to provide the person to be
6 released with suitable clothing and/or the expenses of transportation,
7 the superintendent may consent to such arrangement. If the
8 superintendent has reasonable cause to believe that the person to be
9 released has ample funds, with the exception of earnings from labor or
10 employment while in confinement, to assume the expenses of clothing,
11 transportation, or the expenses for which payments made pursuant to RCW
12 72.02.100 or 72.02.110 or any one or more of such expenses, the person
13 released shall be required to assume such expenses.

14 **Sec. 3.** RCW 36.28A.040 and 2007 c 204 s 1 are each amended to read
15 as follows:

16 (1) No later than July 1, 2002, the Washington association of
17 sheriffs and police chiefs shall implement and operate an electronic
18 statewide city and county jail booking and reporting system. The
19 system shall serve as a central repository and instant information
20 source for offender information and jail statistical data. The system
21 may be placed on the Washington state justice information network and
22 be capable of communicating electronically with every Washington state
23 city and county jail and with all other Washington state criminal
24 justice agencies as defined in RCW 10.97.030. Upon request, the
25 Washington association of sheriffs and police chiefs shall authorize
26 the immigration and customs enforcement agency as a user on the system
27 for the purpose of enforcement of federal immigration laws.

28 (2) After the Washington association of sheriffs and police chiefs
29 has implemented an electronic jail booking system as described in
30 subsection (1) of this section, if a city or county jail or law
31 enforcement agency receives state or federal funding to cover the
32 entire cost of implementing or reconfiguring an electronic jail booking
33 system, the city or county jail or law enforcement agency shall
34 implement or reconfigure an electronic jail booking system that is in
35 compliance with the jail booking system standards developed pursuant to
36 subsection (4) of this section.

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

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

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

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

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

36 (iii) Information about the offender while in jail, which could be
37 used to protect criminal justice officials that have future contact

1 with the offender, such as medical conditions, acts of violence, and
2 other behavior problems;

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

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

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

9 (b) Develop and amend as needed operational standards for city and
10 county jail booking systems, which at a minimum shall include the type
11 of information collected and transmitted, and the technical
12 requirements needed for the city and county jail booking system to
13 communicate with the statewide jail booking and reporting system;

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

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

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

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

25 (B) Is transferred to the custody of another agency outside the
26 state;

27 (C) Is given a different security classification;

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

29 (E) Is discharged;

30 (F) Has escaped; or

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

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

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

1 (B) An upcoming parole, pardon, or community supervision hearing;
2 or
3 (C) A change in the offender's parole, probation, or community
4 supervision status including:
5 (I) A change in the offender's supervision status; or
6 (II) A change in the offender's address;
7 (iii) Automatically notify a registered victim via the victim's
8 choice of telephone, letter, or e-mail when a sex offender has:
9 (A) Updated his or her profile information with the state sex
10 offender registry; or
11 (B) Become noncompliant with the state sex offender registry;
12 (iv) Permit a registered victim to receive the most recent status
13 report for an offender in any Washington state city and county jail,
14 department of corrections, or sex offender registry by calling the
15 statewide automated victim information and notification system on a
16 toll-free telephone number or by accessing the statewide automated
17 victim information and notification system via a public web site. All
18 registered victims calling the statewide automated victim information
19 and notification system will be given the option to have live operator
20 assistance to help use the program on a twenty-four hour, three hundred
21 sixty-five day per year basis;
22 (v) Permit a crime victim to register, or registered victim to
23 update, the victim's registration information for the statewide
24 automated victim information and notification system by calling a toll-
25 free telephone number or by accessing a public web site; and
26 (vi) Ensure that the offender information contained within the
27 statewide automated victim information and notification system is
28 updated frequently to timely notify a crime victim that an offender has
29 been released or discharged or has escaped. However, the failure of
30 the statewide automated victim information and notification system to
31 provide notice to the victim does not establish a separate cause of
32 action by the victim against state officials, local officials, law
33 enforcement officers, or any related correctional authorities.
34 (b) An appointed or elected official, public employee, or public
35 agency as defined in RCW 4.24.470, or units of government and its
36 employees, as provided in RCW 36.28A.010, are immune from civil
37 liability for damages for any release of information or the failure to
38 release information related to the statewide automated victim

1 information and notification system and the jail booking and reporting
2 system as described in this section, so long as the release was without
3 gross negligence. The immunity provided under this subsection applies
4 to the release of relevant and necessary information to other public
5 officials, public employees, or public agencies, and to the general
6 public.

7 (c) Participation in the statewide automated victim information and
8 notification program satisfies any obligation to notify the crime
9 victim of an offender's custody status and the status of the offender's
10 upcoming court events so long as:

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

14 (ii) Information a victim submits to register and participate in
15 the victim notification system is only used for the sole purpose of
16 victim notification.

17 (d) Automated victim information and notification systems in
18 existence and operational as of July 22, 2007, shall not be required to
19 participate in the statewide system."

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20 On page 1, line 5 of the title, after "deportation;" strike the
21 remainder of the title and insert "amending RCW 72.02.100 and
22 36.28A.040; and adding a new section to chapter 72.09 RCW."

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