

---

HOUSE BILL 2817

---

State of Washington

61st Legislature

2010 Regular Session

By Representatives O'Brien, Pearson, and Kelley

Read first time 01/14/10. Referred to Committee on State Government & Tribal Affairs.

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.

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.

--- END ---