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**SUBSTITUTE HOUSE BILL 1723**

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**State of Washington                      64th Legislature                      2015 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Hayes, Hurst, Harmsworth, Takko, Rodne, Griffey, Pettigrew, and Wilson)

READ FIRST TIME 02/20/15.

1            AN ACT Relating to allowing booking photographs and electronic  
2 images at jails to be open to the public; and amending RCW 70.48.100.

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

4            **Sec. 1.** RCW 70.48.100 and 2014 c 225 s 105 are each amended to  
5 read as follows:

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

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

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

13            (c) The booking photographs of each person confined in jail if:

14            (i) Charges have been filed;

15            (ii) An arraignment has taken place; and

16            (iii) The investigating or prosecuting authority has determined  
17 that release of the particular booking photograph would not  
18 compromise or impede an ongoing investigation in which case the  
19 photograph may not be released until the authority making the  
20 determination approves its release. A booking photograph that has not

1 been released must be released when its release would no longer  
2 impede or compromise an ongoing investigation.

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

7 ~~((For use in inspections made pursuant to RCW 70.48.070;~~  
8 ~~(b)))~~ In jail certification proceedings;

9 ~~((c)))~~ (b) For use in court proceedings upon the written order  
10 of the court in which the proceedings are conducted;

11 ~~((d)))~~ (c) To the Washington association of sheriffs and police  
12 chiefs;

13 ~~((e)))~~ (d) To the Washington institute for public policy,  
14 research and data analysis division of the department of social and  
15 health services, higher education institutions of Washington state,  
16 Washington state health care authority, state auditor's office,  
17 caseload forecast council, office of financial management, or the  
18 successor entities of these organizations, for the purpose of  
19 research in the public interest. Data disclosed for research purposes  
20 must comply with relevant state and federal statutes; or

21 ~~((f)))~~ (e) Upon the written permission of the person.

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

25 (b) Photographs and information concerning a person convicted of  
26 a kidnapping offense as defined in RCW 9A.44.128 or a sex offense as  
27 defined in RCW 9.94A.030, may be disseminated as provided in RCW  
28 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 43.43.745,  
29 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of  
30 1990.

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