

HB 2545 - S AMD 1338

By Senator Darneille

ADOPTED 03/06/2020

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

3 **"Sec. 1.** RCW 70.48.100 and 2016 c 154 s 6 are each amended to
4 read as follows:

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

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

11 (b) The hour, date and manner of each person's discharge.

12 (2) Except as provided in subsections (3) and (4) of this
13 section, the records of a person confined in jail shall be held in
14 confidence and shall be made available only to criminal justice
15 agencies as defined in RCW 43.43.705; or

16 (a) For use in inspections made pursuant to RCW 70.48.070;

17 (b) In jail certification proceedings;

18 (c) For use in court proceedings upon the written order of the
19 court in which the proceedings are conducted;

20 (d) To the Washington association of sheriffs and police chiefs;

21 (e) To the Washington institute for public policy, research and
22 data analysis division of the department of social and health
23 services, higher education institutions of Washington state,
24 Washington state health care authority, state auditor's office,
25 caseload forecast council, office of financial management, or the
26 successor entities of these organizations, for the purpose of
27 research in the public interest. Data disclosed for research purposes
28 must comply with relevant state and federal statutes;

29 (f) To federal, state, or local agencies to determine eligibility
30 for services such as medical, mental health, chemical dependency
31 treatment, or veterans' services, and to allow for the provision of
32 treatment to inmates during their stay or after release. Records

1 disclosed for eligibility determination or treatment services must be
2 held in confidence by the receiving agency, and the receiving agency
3 must comply with all relevant state and federal statutes regarding
4 the privacy of the disclosed records; or

5 (g) Upon the written permission of the person.

6 (3) The records of a person confined in jail may be made
7 available to a managed health care system, including managed care
8 organizations and behavioral health administrative services
9 organizations as defined in RCW 71.24.025, for the purpose of care
10 coordination activities. The receiving system or organization must
11 hold records in confidence and comply with all relevant state and
12 federal statutes regarding privacy of disclosed records.

13 (4)(a) Law enforcement may use booking photographs of a person
14 arrested or confined in a local or state penal institution to assist
15 them in conducting investigations of crimes.

16 (b) Photographs and information concerning a person convicted of
17 a sex offense as defined in RCW 9.94A.030 may be disseminated as
18 provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540,
19 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter
20 3, Laws of 1990.

21 ((4)) (5) Any jail that provides inmate records in accordance
22 with subsection (2) or (3) of this section is not responsible for any
23 unlawful secondary dissemination of the provided inmate records.

24 (6) For purposes of this section:

25 (a) "Managed care organization" and "behavioral health
26 administrative services organization" have the same meaning as in RCW
27 71.24.025.

28 (b) "Managed health care system" has the same meaning as in RCW
29 74.09.522."

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30 On page 1, line 2 of the title, after "systems;" strike the
31 remainder of the title and insert "and amending RCW 70.48.100."

EFFECT: Allows jail records to be made available to managed
health care systems, including managed care organizations and
behavioral health administrative services organizations, for the

purpose of care coordination activities; and requires the receiving entity to hold the records in confidence and comply with applicable privacy laws.

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