

FINAL BILL REPORT

ESSB 5245

C 82 L 22
Synopsis as Enacted

Brief Description: Concerning the safety of crime victims.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Brown, Wilson, L., Rolfes and Wagoner).

Senate Committee on Human Services, Reentry & Rehabilitation
Senate Committee on Ways & Means
House Committee on Public Safety

Background: Victim and Witness Notification Program. The Washington State Department of Corrections (DOC) must send written notice of parole, release, community custody, work release placement, furlough, or escape to certain persons. Except for escape and emergency furloughs, such notice must be provided at least 30 days in advance. This notice requirement applies to incarcerated individuals convicted of a violent offense, a sex offense, a domestic violence court order violation, or felony harassment. The list of persons to whom the notice must be sent includes:

- the chief of police of the city in which the incarcerated individual will reside or be placed in work release;
- the sheriff of the county in which the incarcerated individual will reside or be placed in work release;
- the sheriff of the county where the incarcerated individual was convicted, if DOC does not know where the person will reside;
- the State Patrol, only if the incarcerated individual is a sex offender; and
- if notice has been requested in writing, to:
 - any victim or next of kin if the crime is a homicide;
 - any witness who testified against the incarcerated individual in any court proceedings involving a violent offense;
 - any person specified in writing by the prosecuting attorney; and
 - any person who has requested notice, at least 60 days prior to release, about a sex offender.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Information regarding victims, next of kin, witnesses, or a person specified by the prosecuting attorney and the notice itself are confidential. Whenever DOC mails notice and the notice is returned as undeliverable, DOC must attempt alternative methods of notification, including a telephone call to the person's last known telephone number. DOC must also provide immediate notification if there has been an escape, and notification if the person has been recaptured.

Victims Council. Through DOC internal policy, DOC maintains a victims council to address issues relevant to protecting the safety of victims and survivors. The council meets quarterly and, by majority vote of its members, makes recommendations to the DOC secretary on existing or proposed programs and practices as they affect crime victims and proposes changes to statutes, administrative rules, or DOC policy. The council consists of one victim or survivor not representing an agency or organization, and representatives from community, state, and local agencies and organizations that support the broad needs of victims and survivors, represent different crime categories, and represent diverse ethnic backgrounds and broad geographic areas, both rural and urban. DOC victim services program employees provide support staff for the council.

Public Records Act. Washington's Public Records Act (PRA) requires state and local agencies to make their written records available to the public, unless a specific exemption applies or disclosure is prohibited

Jail Booking and Reporting System and Victim Information and Notification System. The Jail Booking and Reporting System (JBRS) is a central repository and information source for statewide city and county jail booking and release data. JBRS is operated by the Washington Association of Sheriffs and Police Chiefs (WASPC). JBRS communicates electronically with every city and county jail in the state and with other state criminal justice agencies, and contains descriptive and personal information about each person booked into jail, including the person's name, vital statistics, address, mug shot, and the date and time of any release or transfer from a city or county jail.

WASPC also maintains the statewide automated Victim Information and Notification system (VINE) as a part of JBRS. The VINE system automatically notifies a registered victim when various changes occur such as when an incarcerated person is transferred to another facility, discharged, changes custody or supervision levels, escapes, becomes noncompliant in certain instances, or has an upcoming court date.

Summary: DOC's victim and witness notification program is expanded to include notification regarding incarcerated individuals convicted of domestic violence, assault in the third degree, unlawful imprisonment, vehicular homicide by disregard for the safety of others, or controlled substance homicide.

Information and records prepared, owned, used, or retained by WASPC revealing the existence of a notification, or of registration to be notified, regarding any specific

individual, or the identify of or any information submitted by a person who registers to be notified of a person's custody or supervision status, upcoming hearing, case disposition, or service of a protection order pursuant to the JBRS or VINE systems, or any other program used for such notification purposes, are exempt from disclosure under the PRA.

Votes on Final Passage:

2021 Regular Session

Senate 49 0

2022 Regular Session

Senate 48 0

House 93 1 (House amended)

Senate 49 0 (Senate concurred)

Effective: July 1, 2022