

# SENATE BILL REPORT

## SSB 5654

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As Passed Senate, February 14, 2006

**Title:** An act relating to the privacy of personal information of criminal justice officials.

**Brief Description:** Protecting the privacy of personal information of criminal justice officials.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Prentice, Esser, Oke and Kohl-Welles).

**Brief History:**

**Committee Activity:** Judiciary: 2/22/05, 2/23/05 [DPS, w/oRec].

Passed Senate: 2/14/06, 48-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5654 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Hargrove, Rasmussen and Thibaudeau.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Johnson, Ranking Minority Member; Esser and McCaslin.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Current statutes provide that, a person or organization that, with intent to harm or intimidate, sells, trades, gives, publishes, distributes, or otherwise releases the residential address, residential telephone number, birthdate, or social security number of any law enforcement related, corrections officer related, or court related employee or volunteer without express written commission, may be subject to a civil action for actual damages plus attorneys' fees and costs. These statutes were found overbroad and void for vagueness, in *Sheehan v. Gregoire*, because: (1) they punished communication of truthful lawfully-obtained, publicly available information, not true threats, and (2) it was unclear what speech the state had the power to proscribe.

**Summary of Bill:** The current statutory provisions are completely replaced. No person may knowingly make available on the internet the personal information of a peace officer, corrections person, justice, judge, commissioner, public defender, or prosecutor if the dissemination poses an imminent and serious threat to the public officers or their immediate families. It must be reasonably apparent to the person making the information available that the threat is serious and imminent. It is not a violation if a person working in the county auditor's or county assessors office publishes this information in good faith and in the ordinary course of business. Personal information includes: home addresses, home telephone numbers, pager numbers, social security numbers, home email addresses, directions to the person's home, and photographs of the person's home or vehicle.

Any person who suffers damages as a result of the restricted internet publications may bring a civil action for actual damages, reasonable attorney's fees and costs, and punitive damages of up to \$10,000.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** These state officers and officials need and deserve the protections this bill provides. Greater punitive damages would create an even greater deterrent. Disclosure of this private information causes serious emotional harm and an ongoing threat of physical harm. This bill should pass constitutional muster because it requires true imminent threats to the safety of officers and their families.

**Testimony Against:** None.

**Who Testified:** PRO: Michael Transue, Seattle, King County, and Port of Seattle Police Officers; Lynne Delano, Washington Department of Corrections; Larry Erickson, WASPC.

**House Amendment(s):** The definition of "immediate family" includes persons living with corrections persons. Instead of actual damages plus a maximum \$10,000 fine, the person who wrongfully publishes the information is liable for actual damages plus a fine in an amount not to exceed \$1,000 for each day the personal information was made available on the world wide web.