

# HOUSE BILL REPORT

## ESSB 5262

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**As Reported by House Committee On:**  
Public Safety & Emergency Preparedness  
General Government Appropriations

**Title:** An act relating to law enforcement and court access to driver's license photographs for the purposes of identity verification.

**Brief Description:** Allowing law enforcement and court access to driver's license photographs for the purposes of identity verification.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Kline, Brandland and Shin).

**Brief History:**

**Committee Activity:**

Public Safety & Emergency Preparedness: 3/24/09 [DPA];

General Government Appropriations: 4/1/09, 4/3/09 [DPA(PSEP)].

**Brief Summary of Engrossed Substitute Bill  
(As Amended by House)**

- Authorizes the Department of Licensing to make their negative picture files available to law enforcement officers to assist in verifying the identity of a person.

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### HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman, Kirby and Ross.

**Staff:** Yvonne Walker (786-7841)

**Background:**

The Department of Licensing (DOL) maintains a negative database that contains the negatives of all pictures taken by the DOL. Examining the negative files is authorized under

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limited circumstances. The negatives are not available for public inspection. However, the negative files must be made available to the Secretary of State to assist in the maintenance of the state voter registration database. The DOL may also make the negative files available to government enforcement agencies to assist in the investigation of criminal activity as well as to a driver's next of kin in the event that the driver is deceased.

The negative files are generally not available to a law enforcement officer during a routine traffic stop for a violation of a traffic code. In this instance there is no means for an officer to verify a defendant's identity.

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**Summary of Amended Bill:**

The DOL is authorized to make their negative picture files available to law enforcement officers to assist in verifying a person's identity when such law enforcement officer is authorized by law to request the identification from an individual.

**Amended Bill Compared to Original Bill:**

The new subsection is deleted that would have authorized the DOL to share their picture files with judicial officers to assist in verifying the identity of an individual in a court proceeding. These files were to be made available only if the requesting judicial officer declares to the DOL that he or she has given prior notice to the parties that the request is being made to the DOL.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill will give police officers the opportunity to check the photograph to the person they have actually pulled over to see if they match. Law enforcement is looking forward to the possibility of accessing photographs when making contact with a person during the line-of-duty. This will help to not only verify a person's identity but to also help in identifying fugitives, runaways, and people who may have just forgotten their identification.

The bill as drafted also gives the same opportunity to judges. However, it is recommended that this section of the bill is eliminated since the court system currently does not have the technology to implement such a system.

(Information only) The current estimated cost for the DOL to implement this bill is a one-time cost of approximately \$103,000. However, there may be federal funding coming to the Department of Information Services and the DOL to help fund this project.

(In support with amendments) There is support for this bill as long as section 5 of the bill is deleted that gives courts access to the DOL's negative picture files. This section of the bill would have authorized the DOL to share their pictures files with judicial officers to assist in verifying the identity of an individual in a court proceeding. Since the courts do not have the technology to implement or use this new system at this time, this can be discussed by the Legislature in the future.

(Opposed) None.

**Persons Testifying:** (In support) Senator Kline, prime sponsor; Don Pierce, Washington Association of Sheriffs and Police Chiefs; and Chief Dusty Pierpoint, Lacey Policy Department.

(Information only) Derek Goudriann, Department of Licensing.

(In support with amendments) Mellani McAleenan, Board of Judicial Administration; Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers; and Shankar Narayan, American Civil Liberties of Washington.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Public Safety & Emergency Preparedness. Signed by 14 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong, Blake, Crouse, Dunshee, Hudgins, Kenney, Pedersen, Sells, Short and Williams.

**Staff:** Serah Stetson (786-7109)

**Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On Public Safety & Emergency Preparedness:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is a simple bill that makes a picture of a licensed person available to a police officer, whenever a police officer is legally allowed to verify a person's identity. It is not a substitute for probable cause. This provides an opportunity where the officer gets to look at both the license and an actual picture of the person to whom the license was issued at the Department of Licensing (DOL). There are a number of traffic stops made for individuals without driver's licenses who purport to be someone they are not. Given the proliferation of identity theft and forged licenses and individuals driving without licenses, it is valuable to be able to compare the picture on the license to the picture in the DOL database. The amendment adopted in the Senate is a compromise that protects everyone's interest. The language of the bill is permissive so that there is no fiscal impact. There is potential for federal funds that would result in no state funding being needed to implement this program.

(Opposed) None.

**Persons Testifying:** Senator Kline, prime sponsor; Don Pierce, Washington Association of Sheriffs and Police Chiefs; and Senator Eide.

**Persons Signed In To Testify But Not Testifying:** None.