

# SENATE BILL REPORT

## ESSB 5262

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As Amended by House, April 13, 2009

**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 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:** Judiciary: 2/04/09, 2/13/09 [DPS].

Passed Senate: 3/11/09, 44-0.

Passed House: 4/13/09, 97-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5262 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove and Tom.

**Staff:** Kim Johnson (786-7472)

**Background:** The Department of Licensing (DOL) maintains a negative database that contains the negatives of all pictures taken by DOL. The negatives are not available for public inspection.

Currently, DOL is only authorized to make the negatives available to:

- the Secretary of State for purposes of maintaining the state voter registration database;
- government enforcement agencies to assist in the investigation of criminal activity; and
- a driver's next of kin in the event that the driver is deceased.

**Summary of Engrossed Substitute Bill:** DOL may make negative files of pictures available to:

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

- official governmental enforcement agencies for the purpose of verifying identity, when the officer is authorized by law to request identification from an individual; and
- a judicial officer for the purpose of verifying identity of an individual in a court proceeding, provided that the judicial officer provide notice to the parties that the judicial officer is requesting the file from DOL.

**Appropriation:** None.

**Fiscal Note:** Available (See Companion HB 1224).

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

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

**Staff Summary of Public Testimony:** PRO: This is only authorizing language and doesn't require any new technology or expenditures. The use of a picture will help us to verify identity during traffic stops and other law enforcement activities. We believe that this bill will have a positive impact in helping us to detect identity theft and keeping folks who are inappropriately arrested because someone has used their name/stolen an identity.

The entire membership of WASPC has endorsed this legislation. It is a very useful tool to expedite the detection of criminal activity and exculpate innocent people.

**Persons Testifying:** PRO: Don Pierce, Washington Association of Sheriffs and Police Chiefs; Dusty Pierpoint, Lacey Police Department; Scott Smith, Tulalip Police Department.

**House Amendment(s):** The provision authorizing DOL to make photo negative files available to judicial officers is removed.