

SB 5810 - H COMM AMD

By Committee on Government Operations & Elections

NOT ADOPTED 04/11/2013

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 72.09 RCW
4 to read as follows:

5 (1) The special investigations services unit of the department may
6 collect, evaluate, collate, and analyze data and specific investigative
7 information concerning the existence, structure, activities, and
8 operations of security threat groups, drugs, and violence within
9 department facilities and the participants involved therein under the
10 jurisdiction of the department.

11 (2) Security threat group data must be located in a centralized
12 database of the department and must be used to maintain the safety and
13 security of offenders, staff, facilities, and the public. The data
14 compiled may aid in addressing violence reduction, illegal activities,
15 and identification of offender separation or protection needs, and may
16 be used to assist law enforcement agencies and prosecutors in
17 developing evidence for purposes of criminal prosecution upon request.

18 (3) The security threat group database must only contain
19 information directly related to an offender's security threat group
20 affiliation or affiliations and activities.

21 (4) Those portions of records contained in the security threat
22 group database that identify an individual or an individual security
23 threat are exempt from public disclosure under chapter 42.56 RCW.

24 **Sec. 2.** RCW 42.56.240 and 2012 c 88 s 1 are each amended to read
25 as follows:

26 The following investigative, law enforcement, and crime victim
27 information is exempt from public inspection and copying under this
28 chapter:

1 (1) Specific intelligence information and specific investigative
2 records compiled by investigative, law enforcement, and penology
3 agencies, and state agencies vested with the responsibility to
4 discipline members of any profession, the nondisclosure of which is
5 essential to effective law enforcement or for the protection of any
6 person's right to privacy;

7 (2) Information revealing the identity of persons who are witnesses
8 to or victims of crime or who file complaints with investigative, law
9 enforcement, or penology agencies, other than the commission, if
10 disclosure would endanger any person's life, physical safety, or
11 property. If at the time a complaint is filed the complainant, victim,
12 or witness indicates a desire for disclosure or nondisclosure, such
13 desire shall govern. However, all complaints filed with the commission
14 about any elected official or candidate for public office must be made
15 in writing and signed by the complainant under oath;

16 (3) Any records of investigative reports prepared by any state,
17 county, municipal, or other law enforcement agency pertaining to sex
18 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
19 defined in RCW 71.09.020, which have been transferred to the Washington
20 association of sheriffs and police chiefs for permanent electronic
21 retention and retrieval pursuant to RCW 40.14.070(2)(b);

22 (4) License applications under RCW 9.41.070; copies of license
23 applications or information on the applications may be released to law
24 enforcement or corrections agencies;

25 (5) Information revealing the identity of child victims of sexual
26 assault who are under age eighteen. Identifying information means the
27 child victim's name, address, location, photograph, and in cases in
28 which the child victim is a relative or stepchild of the alleged
29 perpetrator, identification of the relationship between the child and
30 the alleged perpetrator;

31 (6) The statewide gang database referenced in RCW 43.43.762;

32 (7) Data from the electronic sales tracking system established in
33 RCW 69.43.165;

34 (8) Information submitted to the statewide unified sex offender
35 notification and registration program under RCW 36.28A.040(6) by a
36 person for the purpose of receiving notification regarding a registered
37 sex offender, including the person's name, residential address, and e-
38 mail address; ((and))

1 (9) Personally identifying information collected by law enforcement
2 agencies pursuant to local security alarm system programs and vacation
3 crime watch programs. Nothing in this subsection shall be interpreted
4 so as to prohibit the legal owner of a residence or business from
5 accessing information regarding his or her residence or business; and
6 (10) Those portions of records contained in the security threat
7 group database referenced in section 1 of this act that identify an
8 individual or an individual security threat."

9 Correct the title.

EFFECT: Modifies the exemption to include just those portions of records contained in the security threat group database that identify an individual or an individual security threat. Creates a cross-reference to the exemption in RCW 42.56.240.

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