
SUBSTITUTE SENATE BILL 5321

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Costa, Roach, Kline, McCaslin, Long, Hargrove, Thibaudeau, Zarelli, Constantine and Haugen)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to creating a certification process and oversight
2 mechanism for police service dog teams; reenacting and amending RCW
3 42.17.310; adding a new chapter to Title 43 RCW; making an
4 appropriation; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** It is the intent of this act to enhance
7 public safety and the quality of law enforcement. The legislature
8 finds these goals may be achieved by establishing a minimum standard of
9 performance for working police service dog teams and a procedure for
10 certification of teams. The legislature further finds it necessary to
11 create an oversight mechanism to promote efficient and responsible
12 implementation of the certification process.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires otherwise.

15 (1) "Canine training standards board" or "board" means the board
16 established by the commission under section 5 of this act.

17 (2) "Certified" means a determination by the commission that a
18 police service dog team has met the minimum standard.

1 (3) "Commission" means the Washington state criminal justice
2 training commission.

3 (4) "Handler" means a person who is responsible for the routine
4 care, control, and utilization of a police service dog for law
5 enforcement purposes and is:

6 (a) Any commissioned law enforcement officer of an agency,
7 including a state, county, city, municipality, or a combination thereof
8 or an employee of the Washington state department of corrections;

9 (b) A person contracted to provide law enforcement services;

10 (c) An employee of a local correctional facility; or

11 (d) In the case of an accelerant detection dog, the state fire
12 marshal's designee or an employee of the fire department, city, or
13 county authorized by the fire chief to be the dog's handler.

14 (5) "Law enforcement purposes" means detection of contraband or
15 evidence and apprehension of criminal suspects.

16 (6) "Master trainer" means a person who meets the criteria
17 established in rule by the commission following consultation with
18 individuals and groups with experience and expertise in training and
19 handling police service dogs.

20 (7) "Police service detection dog" means a dog assigned or used by
21 a handler solely to detect contraband or arson by-products for law
22 enforcement purposes.

23 (8) "Police service dog" means a dog assigned or used by a handler
24 for law enforcement purposes.

25 (9) "Police service dog team" or "team" means a dog and handler
26 that is certified as a team.

27 NEW SECTION. **Sec. 3.** (1) A police service dog handler may not use
28 a police service dog for law enforcement purposes unless the handler
29 and dog are certified as a team, except as otherwise provided in this
30 section.

31 (2) Any dog team provided to assist in law enforcement purposes is
32 exempt from the certification requirement of this act only if: (a) The
33 dog is owned by, and acts under the control of, an agency of the
34 federal government which engages in law enforcement purposes; (b) the
35 team is provided on a temporary basis not exceeding forty-eight hours;
36 and (c) the dog and its handler meet the internal minimum performance
37 standards of the agency of the federal government which owns or
38 controls the dog.

1 (3) If any law enforcement agency is, prior to August 1, 2002,
2 utilizing a police service dog and a handler for law enforcement
3 purposes, the agency may continue the use until March 1, 2003. After
4 March 1, 2003, the dog and handler must be certified as a team to be
5 used for law enforcement purposes.

6 (4) Any law enforcement agency that has not, prior to August 1,
7 2002, utilized a police service dog and a handler for law enforcement
8 purposes must obtain certification before deploying a team.

9 (5) Upon determination by the commission that a law enforcement
10 agency or the department of corrections has deployed a police service
11 dog and handler not certified pursuant to this chapter, the commission
12 may issue an order directing the agency or department to immediately
13 cease the unauthorized deployment.

14 (6) If the agency or department does not discontinue the
15 unauthorized deployment, the commission may seek appropriate injunctive
16 relief in the superior court of the county in which the agency or
17 department is located.

18 (7) Police service detection dogs are exempt from the certification
19 requirement set forth in this section unless the commission extends the
20 certification requirement to these dogs by rule.

21 NEW SECTION. **Sec. 4.** (1) The commission is directed to develop
22 and adopt a minimum performance standard for each category of police
23 service dog and handler, with the categories being derived from the law
24 enforcement functions that the police service dogs and handlers
25 perform. Each police service dog and handler must meet the standard
26 for its category in order to become a team.

27 (2) The commission is directed to implement a process through which
28 police service dogs and their handlers will be tested for
29 certification. The commission is authorized to charge a fee for the
30 purpose of conducting certification tests.

31 (3) The commission shall establish minimum training hours for
32 police service dogs and handlers that must be completed prior to
33 testing for certification. Prior to testing a police service dog and
34 a handler for certification, the chief of police, sheriff, secretary of
35 corrections, or chief of the Washington state patrol must submit an
36 affidavit verifying that the required hours of training have been
37 successfully completed by the police service dog and handler.

1 (4) The initial certification of police service dog teams is valid
2 for one year. Recertification shall be valid for a period of time as
3 determined by the commission.

4 NEW SECTION. **Sec. 5.** (1) The commission is directed to create the
5 canine training standards board. The commission is directed to
6 endeavor to ensure the composition of the board will include persons
7 experienced with patrol, detector, and tracking police service dogs.
8 The board shall, in consultation with the board on law enforcement
9 training standards and education, recommend to the commission minimum
10 performance standards and develop model training and performance
11 standards for police service dogs and handlers. The model training and
12 model performance standards may be used by local jurisdictions in
13 developing their own canine programs.

14 (2) The board shall examine the option of requiring certification
15 of police service detection dogs and make recommendations to the
16 commission.

17 (3) The board shall be comprised of:

18 (a) A representative of the Washington state patrol with police
19 service dog experience;

20 (b) A representative of the department of corrections with police
21 service dog experience;

22 (c) A representative of a nonprofit organization in Washington with
23 expertise and experience in the training and evaluating of patrol,
24 detector, and tracking police service dogs and handlers;

25 (d) A representative of a nationwide nonprofit organization with
26 experience and expertise in the humane treatment of dogs;

27 (e) A master trainer from a county with a population of two hundred
28 fifty thousand or more appointed by the Washington association of
29 sheriffs and police chiefs in consultation with the Washington council
30 of police and sheriffs and the bargaining unit representing
31 commissioned officers in any county with a population of one million or
32 more;

33 (f) A representative of the county legislative authority appointed
34 by the presiding officer of the Washington association of counties from
35 a county with a population of two hundred fifty thousand or more that
36 deploys a police service dog and handler for law enforcement purposes
37 and, after March 1, 2003, is certified as a team;

1 (g) A master trainer from a city with a population of one hundred
2 thousand or more appointed by the Washington association of sheriffs
3 and police chiefs in consultation with the Washington council of police
4 and sheriffs and the bargaining unit representing commissioned officers
5 in any city with a population of four hundred thousand or more;

6 (h) A representative of the association of Washington cities
7 appointed by the presiding officer of the association of Washington
8 cities from a city with a population of one hundred thousand or more
9 that deploys a police service dog and handler for law enforcement
10 purposes and, after March 1, 2003, is certified as a team;

11 (i) Two persons, one with police service dog experience, appointed
12 by the association of Washington cities from a city with a population
13 of less than one hundred thousand;

14 (j) Two persons, one with police service dog experience, appointed
15 by the Washington association of counties from a county with a
16 population of less than two hundred fifty thousand;

17 (k) One representative to be appointed by the governor.

18 Prior to making the appointments requiring police service dog
19 experience in (i) and (j) of this subsection, the Washington
20 association of counties and the association of Washington cities shall
21 consult with the Washington association of sheriffs and police chiefs
22 and the Washington council of police and sheriffs.

23 (4) The board is a class 1 group under RCW 43.03.220 except that
24 any member of the public appointed to the board is eligible for
25 compensation under RCW 43.03.240(2).

26 (5) The board shall cease to exist after the minimum performance
27 standards are developed and adopted by the commission and the model
28 training and model performance standards are created.

29 (6) The board shall hold its initial meeting not later than
30 November 1, 2001.

31 NEW SECTION. **Sec. 6.** (1) Any person claiming to be aggrieved by
32 an act relating to the certification of a police service dog team may,
33 personally or by his or her attorney, make, sign, and file with the
34 commission a complaint in writing under oath or by declaration. The
35 commission does not have jurisdiction to hear a complaint alleging
36 negligent conduct by a certified team while engaged in law enforcement
37 purposes.

1 (2) Any complaint filed pursuant to this section must be filed
2 within thirty days after the alleged act giving rise to the complaint
3 relating to certification of a police service dog team.

4 (3) After the filing of any complaint, the chairperson of the
5 commission shall refer it to the appropriate section of the
6 commission's staff for prompt investigation and ascertainment of the
7 facts alleged in the complaint. The results of the investigation shall
8 be reduced to written findings of fact and a copy shall be provided to
9 the complainant.

10 NEW SECTION. Sec. 7. (1) The entire file, including the complaint
11 and any and all findings made, shall be certified to the chairperson of
12 the commission. The chairperson of the commission may thereupon
13 request the appointment of an administrative law judge under Title 34
14 RCW to hear the complaint if the chairperson believes from the results
15 of the investigation that there are reasonable grounds to conclude that
16 a violation of this chapter may have occurred. If the chairperson
17 requests the appointment of an administrative law judge, he or she
18 shall cause to be issued and served in the name of the commission a
19 written notice, together with a copy of the complaint, as the same may
20 have been amended, requiring the parties to appear and on the complaint
21 at a hearing before the administrative law judge, at a time and place
22 to be specified in such notice.

23 (2) The place of any such hearing may be the office of the
24 commission or another place designated by it. The case in support of
25 the complaint shall be presented at the hearing by counsel for the
26 commission: PROVIDED, That the complainant may retain independent
27 counsel and submit testimony and be fully heard. No member or employee
28 of the commission who previously participated in the denial of
29 certification shall participate in the hearing except as a witness, nor
30 shall the member or employee participate in the deliberations of the
31 administrative law judge in such case.

32 (3) The commission shall file a written answer to the complaint and
33 appear at the hearing in person or otherwise, with or without counsel,
34 and submit testimony and be fully heard. The commission has the right
35 to cross-examine the complainant.

36 (4) The administrative law judge conducting any hearing may permit
37 reasonable amendment to any complaint or answer. Testimony taken at
38 the hearing shall be under oath and recorded.

1 (5) If, upon all the evidence, the administrative law judge finds
2 that the commission has wrongfully denied certification, the
3 administrative law judge shall state findings of fact and shall issue
4 and file with the commission and cause to be served on the commission
5 an order requiring the commission to certify the police service dog
6 team.

7 (6) The final order of the administrative law judge shall include
8 a notice to the parties of the right to obtain judicial review of the
9 order by appeal in accordance with the provisions of RCW 34.05.510
10 through 34.05.598, and that such appeal must be served and filed within
11 thirty days after the service of the order on the parties.

12 (7) If, upon all the evidence, the administrative law judge finds
13 that the commission correctly denied certification, the administrative
14 law judge shall state findings of fact and shall similarly issue and
15 file an order dismissing the complaint.

16 NEW SECTION. **Sec. 8.** (1) Every police service dog used by law
17 enforcement or any other state or local governmental agency is required
18 to be identified by a microchip as defined in RCW 16.57.010(13) or
19 through the use of superior technology as designated by the commission.

20 (2) The microchip of any police service dog used by a state or
21 local governmental agency may not be removed except for medical
22 necessity. If it is necessary to remove the microchip, the reason for
23 the removal must be documented, entered into the data base created by
24 section 9 of this act, and a new microchip inserted unless the dog is
25 permanently retired from service.

26 NEW SECTION. **Sec. 9.** (1) The commission is directed to develop
27 and manage a centralized data base of information pertaining to all
28 police service dogs used by Washington state and local governmental
29 agencies. The data base shall be cumulative, updated, and contain the
30 following information for each police service dog:

- 31 (a) Identification as required in section 8(1) of this act;
- 32 (b) Name;
- 33 (c) Breed;
- 34 (d) Type of training:
 - 35 (i) G = Generalist;
 - 36 (ii) N = Narcotic;
 - 37 (iii) B = Bomb;

- 1 (iv) Xn = Cross-trained narcotic;
- 2 (v) Xb = Cross-trained bomb;
- 3 (vi) O = Other;
- 4 (e) Date acquired;
- 5 (f) Source of acquisition:
 - 6 (i) Vendor name, address, and telephone number;
 - 7 (ii) Donated by private person, nonprofit entity, or other;
- 8 (g) Handler's name;
- 9 (h) Date of certification and recertifications;
- 10 (i) Date and reason released from service.

11 (2) Except as provided in RCW 42.17.310, the commission shall make
12 this data base available through a web page and accessible by entering
13 a dog's identification number as required in section 8(1) of this act.

14 (3) All records pertaining to training, utilization, and
15 certification from acquisition to first certification pertaining to
16 police service dogs are required to be kept by the agency with
17 ownership of the police service dog and made available upon request.

18 NEW SECTION. **Sec. 10.** The commission shall adopt rules to
19 implement this chapter.

20 **Sec. 11.** RCW 42.17.310 and 2000 c 134 s 3, 2000 c 56 s 1, and 2000
21 c 6 s 5 are each reenacted and amended to read as follows:

22 (1) The following are exempt from public inspection and copying:

23 (a) Personal information in any files maintained for students in
24 public schools, patients or clients of public institutions or public
25 health agencies, or welfare recipients.

26 (b) Personal information in files maintained for employees,
27 appointees, or elected officials of any public agency to the extent
28 that disclosure would violate their right to privacy.

29 (c) Information required of any taxpayer in connection with the
30 assessment or collection of any tax if the disclosure of the
31 information to other persons would (i) be prohibited to such persons by
32 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
33 taxpayer's right to privacy or result in unfair competitive
34 disadvantage to the taxpayer.

35 (d) Specific intelligence information and specific investigative
36 records compiled by investigative, law enforcement, and penology
37 agencies, and state agencies vested with the responsibility to

1 discipline members of any profession, the nondisclosure of which is
2 essential to effective law enforcement or for the protection of any
3 person's right to privacy.

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

14 (f) Test questions, scoring keys, and other examination data used
15 to administer a license, employment, or academic examination.

16 (g) Except as provided by chapter 8.26 RCW, the contents of real
17 estate appraisals, made for or by any agency relative to the
18 acquisition or sale of property, until the project or prospective sale
19 is abandoned or until such time as all of the property has been
20 acquired or the property to which the sale appraisal relates is sold,
21 but in no event shall disclosure be denied for more than three years
22 after the appraisal.

23 (h) Valuable formulae, designs, drawings, computer source code or
24 object code, and research data obtained by any agency within five years
25 of the request for disclosure when disclosure would produce private
26 gain and public loss.

27 (i) Preliminary drafts, notes, recommendations, and intra-agency
28 memorandums in which opinions are expressed or policies formulated or
29 recommended except that a specific record shall not be exempt when
30 publicly cited by an agency in connection with any agency action.

31 (j) Records which are relevant to a controversy to which an agency
32 is a party but which records would not be available to another party
33 under the rules of pretrial discovery for causes pending in the
34 superior courts.

35 (k) Records, maps, or other information identifying the location of
36 archaeological sites in order to avoid the looting or depredation of
37 such sites.

1 (l) Any library record, the primary purpose of which is to maintain
2 control of library materials, or to gain access to information, which
3 discloses or could be used to disclose the identity of a library user.

4 (m) Financial information supplied by or on behalf of a person,
5 firm, or corporation for the purpose of qualifying to submit a bid or
6 proposal for (i) a ferry system construction or repair contract as
7 required by RCW 47.60.680 through 47.60.750 or (ii) highway
8 construction or improvement as required by RCW 47.28.070.

9 (n) Railroad company contracts filed prior to July 28, 1991, with
10 the utilities and transportation commission under RCW 81.34.070, except
11 that the summaries of the contracts are open to public inspection and
12 copying as otherwise provided by this chapter.

13 (o) Financial and commercial information and records supplied by
14 private persons pertaining to export services provided pursuant to
15 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
16 export projects pursuant to RCW 43.23.035.

17 (p) Financial disclosures filed by private vocational schools under
18 chapters 28B.85 and 28C.10 RCW.

19 (q) Records filed with the utilities and transportation commission
20 or attorney general under RCW 80.04.095 that a court has determined are
21 confidential under RCW 80.04.095.

22 (r) Financial and commercial information and records supplied by
23 businesses or individuals during application for loans or program
24 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
25 or during application for economic development loans or program
26 services provided by any local agency.

27 (s) Membership lists or lists of members or owners of interests of
28 units in timeshare projects, subdivisions, camping resorts,
29 condominiums, land developments, or common-interest communities
30 affiliated with such projects, regulated by the department of
31 licensing, in the files or possession of the department.

32 (t) All applications for public employment, including the names of
33 applicants, resumes, and other related materials submitted with respect
34 to an applicant.

35 (u) The residential addresses and residential telephone numbers of
36 employees or volunteers of a public agency which are held by the agency
37 in personnel records, employment or volunteer rosters, or mailing lists
38 of employees or volunteers.

1 (v) The residential addresses and residential telephone numbers of
2 the customers of a public utility contained in the records or lists
3 held by the public utility of which they are customers, except that
4 this information may be released to the division of child support or
5 the agency or firm providing child support enforcement for another
6 state under Title IV-D of the federal social security act, for the
7 establishment, enforcement, or modification of a support order.

8 (w)(i) The federal social security number of individuals governed
9 under chapter 18.130 RCW maintained in the files of the department of
10 health, except this exemption does not apply to requests made directly
11 to the department from federal, state, and local agencies of
12 government, and national and state licensing, credentialing,
13 investigatory, disciplinary, and examination organizations; (ii) the
14 current residential address and current residential telephone number of
15 a health care provider governed under chapter 18.130 RCW maintained in
16 the files of the department, if the provider requests that this
17 information be withheld from public inspection and copying, and
18 provides to the department an accurate alternate or business address
19 and business telephone number. On or after January 1, 1995, the
20 current residential address and residential telephone number of a
21 health care provider governed under RCW 18.130.040 maintained in the
22 files of the department shall automatically be withheld from public
23 inspection and copying unless the provider specifically requests the
24 information be released, and except as provided for under RCW
25 42.17.260(9).

26 (x) Information obtained by the board of pharmacy as provided in
27 RCW 69.45.090.

28 (y) Information obtained by the board of pharmacy or the department
29 of health and its representatives as provided in RCW 69.41.044,
30 69.41.280, and 18.64.420.

31 (z) Financial information, business plans, examination reports, and
32 any information produced or obtained in evaluating or examining a
33 business and industrial development corporation organized or seeking
34 certification under chapter 31.24 RCW.

35 (aa) Financial and commercial information supplied to the state
36 investment board by any person when the information relates to the
37 investment of public trust or retirement funds and when disclosure
38 would result in loss to such funds or in private loss to the providers
39 of this information.

1 (bb) Financial and valuable trade information under RCW 51.36.120.

2 (cc) Client records maintained by an agency that is a domestic
3 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
4 crisis center as defined in RCW 70.125.030.

5 (dd) Information that identifies a person who, while an agency
6 employee: (i) Seeks advice, under an informal process established by
7 the employing agency, in order to ascertain his or her rights in
8 connection with a possible unfair practice under chapter 49.60 RCW
9 against the person; and (ii) requests his or her identity or any
10 identifying information not be disclosed.

11 (ee) Investigative records compiled by an employing agency
12 conducting a current investigation of a possible unfair practice under
13 chapter 49.60 RCW or of a possible violation of other federal, state,
14 or local laws prohibiting discrimination in employment.

15 (ff) Business related information protected from public inspection
16 and copying under RCW 15.86.110.

17 (gg) Financial, commercial, operations, and technical and research
18 information and data submitted to or obtained by the clean Washington
19 center in applications for, or delivery of, program services under
20 chapter 70.95H RCW.

21 (hh) Information and documents created specifically for, and
22 collected and maintained by a quality improvement committee pursuant to
23 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
24 4.24.250, regardless of which agency is in possession of the
25 information and documents.

26 (ii) Personal information in files maintained in a data base
27 created under RCW 43.07.360.

28 (jj) Financial and commercial information requested by the public
29 stadium authority from any person or organization that leases or uses
30 the stadium and exhibition center as defined in RCW 36.102.010.

31 (kk) Names of individuals residing in emergency or transitional
32 housing that are furnished to the department of revenue or a county
33 assessor in order to substantiate a claim for property tax exemption
34 under RCW 84.36.043.

35 (ll) The names, residential addresses, residential telephone
36 numbers, and other individually identifiable records held by an agency
37 in relation to a vanpool, carpool, or other ride-sharing program or
38 service. However, these records may be disclosed to other persons who

1 apply for ride-matching services and who need that information in order
2 to identify potential riders or drivers with whom to share rides.

3 (mm) The personally identifying information of current or former
4 participants or applicants in a paratransit or other transit service
5 operated for the benefit of persons with disabilities or elderly
6 persons.

7 (nn) The personally identifying information of persons who acquire
8 and use transit passes and other fare payment media including, but not
9 limited to, stored value smart cards and magnetic strip cards, except
10 that an agency may disclose this information to a person, employer,
11 educational institution, or other entity that is responsible, in whole
12 or in part, for payment of the cost of acquiring or using a transit
13 pass or other fare payment media, or to the news media when reporting
14 on public transportation or public safety. This information may also
15 be disclosed at the agency's discretion to governmental agencies or
16 groups concerned with public transportation or public safety.

17 (oo) Proprietary financial and commercial information that the
18 submitting entity, with review by the department of health,
19 specifically identifies at the time it is submitted and that is
20 provided to or obtained by the department of health in connection with
21 an application for, or the supervision of, an antitrust exemption
22 sought by the submitting entity under RCW 43.72.310. If a request for
23 such information is received, the submitting entity must be notified of
24 the request. Within ten business days of receipt of the notice, the
25 submitting entity shall provide a written statement of the continuing
26 need for confidentiality, which shall be provided to the requester.
27 Upon receipt of such notice, the department of health shall continue to
28 treat information designated under this section as exempt from
29 disclosure. If the requester initiates an action to compel disclosure
30 under this chapter, the submitting entity must be joined as a party to
31 demonstrate the continuing need for confidentiality.

32 (pp) Records maintained by the board of industrial insurance
33 appeals that are related to appeals of crime victims' compensation
34 claims filed with the board under RCW 7.68.110.

35 (qq) Financial and commercial information supplied by or on behalf
36 of a person, firm, corporation, or entity under chapter 28B.95 RCW
37 relating to the purchase or sale of tuition units and contracts for the
38 purchase of multiple tuition units.

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

7 (ss) Credit card numbers, debit card numbers, electronic check
8 numbers, card expiration dates, or bank or other financial account
9 numbers supplied to an agency for the purpose of electronic transfer of
10 funds, except when disclosure is expressly required by law.

11 (tt) Financial information, including but not limited to account
12 numbers and values, and other identification numbers supplied by or on
13 behalf of a person, firm, corporation, limited liability company,
14 partnership, or other entity related to an application for a liquor
15 license, gambling license, or lottery retail license.

16 (uu) Records maintained by the employment security department and
17 subject to chapter 50.13 RCW if provided to another individual or
18 organization for operational, research, or evaluation purposes.

19 (vv) Individually identifiable information received by the work
20 force training and education coordinating board for research or
21 evaluation purposes.

22 (ww) Information collected pursuant to section 9(1)(d) (iii) and
23 (v) of this act.

24 (2) Except for information described in subsection (1)(c)(i) of
25 this section and confidential income data exempted from public
26 inspection pursuant to RCW 84.40.020, the exemptions of this section
27 are inapplicable to the extent that information, the disclosure of
28 which would violate personal privacy or vital governmental interests,
29 can be deleted from the specific records sought. No exemption may be
30 construed to permit the nondisclosure of statistical information not
31 descriptive of any readily identifiable person or persons.

32 (3) Inspection or copying of any specific records exempt under the
33 provisions of this section may be permitted if the superior court in
34 the county in which the record is maintained finds, after a hearing
35 with notice thereof to every person in interest and the agency, that
36 the exemption of such records is clearly unnecessary to protect any
37 individual's right of privacy or any vital governmental function.

38 (4) Agency responses refusing, in whole or in part, inspection of
39 any public record shall include a statement of the specific exemption

1 authorizing the withholding of the record (or part) and a brief
2 explanation of how the exemption applies to the record withheld.

3 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act
4 constitute a new chapter in Title 43 RCW.

5 NEW SECTION. **Sec. 13.** The sum of dollars, or as much
6 thereof as may be necessary, is appropriated for the fiscal year ending
7 June 30, 2003, from the general fund to the criminal justice training
8 commission for the purposes of this act.

9 NEW SECTION. **Sec. 14.** This act takes effect August 1, 2001.

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