

# SENATE BILL REPORT

## SB 5157

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As Reported By Senate Committee On:

Judiciary, February 22, 2005

Ways & Means, March 7, 2005

**Title:** An act relating to local law enforcement automatic fingerprint identification systems.

**Brief Description:** Revising provisions relating to local law enforcement automatic fingerprint identification systems.

**Sponsors:** Senators Regala, Carrell, Kline, Roach, Zarelli, Kastama, Oke, Franklin, Brandland, McCaslin and Shin.

**Brief History:**

**Committee Activity:** Judiciary: 1/26/05, 2/22/05 [DPS].

Ways & Means: 3/4/05, 3/7/05 [DPS(JUD)].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

**Staff:** Lilah Amos (786-7429)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 5157 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Zarelli, Ranking Minority Member; Brandland, Fairley, Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Schoesler.

**Staff:** Chelsea Buchanan (786-7446)

**Background:** The Washington State Patrol (WSP) operates the state-wide automatic fingerprint information system. It receives and maintains records of the fingerprints which local law enforcement agencies are required to obtain from all adults and juveniles who are arrested for any felony or gross misdemeanor crime. All local law enforcement agencies must transmit these fingerprints to WSP within seventy-two hours of the arrest. WSP is able to use this database of fingerprints to compare with questioned prints for identification purposes. Fingerprints known as "tenprints" include prints taken of all ten fingers upon arrest, etc. "Latent" fingerprints include those left at crime scenes.

Automatic fingerprint identification systems operated by local law enforcement agencies must be compatible with the WSP system. They must be able to electronically transmit data to and receive and answer inquiries from the WSP system. Any county which purchased an automatic fingerprint system before January 1, 1987 is exempt from this requirement.

Currently any local law enforcement agency choosing to operate a fingerprint identification system must contract with the same vendor used by WSP in order to meet the compatibility requirement. The systems offered by other vendors are not compatible. Pierce County purchased a system from a different vendor before 1987 and is therefore exempt from the compatibility requirement but is not able to transmit data without a cumbersome conversion process.

**Summary of Substitute Bill:** Local law enforcement agencies are authorized to use an automatic fingerprint identification system which uses an interface compatible with the state system operated by the Washington State Patrol. Local law enforcement agencies must be able to transmit tenprint fingerprint records using any available protocol to the state automatic fingerprint identification system, and the state must be able to accept these tenprint records.

No later than January 1, 2007, the state fingerprint system must be able to accept electronic latent search records from any local law enforcement agency. If funding is not received for this purpose by June 30, 2006, in the omnibus appropriations act, or obtained from another source, the latent search requirement is null and void.

**Substitute Bill Compared to Original Bill:** Language is clarified to appropriately identify the requirements of both the Washington State Patrol and local law enforcement agencies for sending and accepting electronic fingerprint records. References to federal standards are removed. A null and void clause is inserted to condition the acceptance of electronic latent search records by the state on specific funding for this purpose.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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

**Testimony For: (Judiciary)** Currently Pierce County's technology, which is grandfathered in under existing law, is not compatible with Washington State Patrol technology. It is important to have more than one purchase option in computer fingerprint technology as long as there is interoperability. Everyone should be able to share the fingerprint data which they have collected.

**Testimony Against: (Judiciary)** None.

**Who Testified: (Judiciary)** PRO: Senator Debbie Regala, prime sponsor; Jim Andrews, Pierce County Sheriff's Department; Michael Shaw, Pierce County; Larry Taylor, Benton County Sheriff and WASPC. OTHER: Jeff DeVere, Washington State Patrol.

**Testimony For (Ways & Means):** Pierce County is the only county with a system different than the State Patrol's, as they bought their system first. This bill will go a long way towards

making the two compatible. Since budget times are tight, the City of Tacoma is seeking a federal appropriation to help cover the cost of the State Patrol's and the county's equipment.

**Testimony Against (Ways & Means):** None.

**Who Testified (Ways & Means):** PRO: Michael Shaw, Pierce County; Tim Schellberg, Smith Alling Lane.