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SENATE BILL 5654

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Prentice, Esser, Oke and Kohl-Welles

Read first time 02/01/2005. Referred to Committee on Judiciary.

1            AN ACT Relating to the privacy of personal information of criminal  
2 justice officials; amending RCW 4.24.680 and 4.24.700; creating a new  
3 section; and prescribing penalties.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that the dissemination  
6 of personally identifying information as proscribed in RCW 4.24.680 is  
7 not in the public interest.

8            **Sec. 2.** RCW 4.24.680 and 2002 c 336 s 1 are each amended to read  
9 as follows:

10            (~~A person or organization shall not, with the intent to harm or  
11 intimidate, sell, trade, give, publish, distribute, or otherwise  
12 release the residential address, residential telephone number,  
13 birthdate, or social security number of any law enforcement related,  
14 corrections officer related, or court related employee or volunteer, or  
15 someone with a similar name, and categorize them as such, without the  
16 express written permission of the employee or volunteer unless  
17 specifically exempted by law or court order.))~~

1 (1) A person shall not knowingly make available on the world wide  
2 web the personal information of a peace officer, justice, judge,  
3 commissioner, public defender, or prosecutor if the dissemination of  
4 the personal information poses an imminent and serious threat to the  
5 peace officer's, justice's, judge's, commissioner's, public defender's,  
6 or prosecutor's safety or the safety of that person's immediate family  
7 and the threat is reasonably apparent to the person making the  
8 information available on the world wide web to be serious and imminent.

9 (2) It is not a violation of this section if an employee of a  
10 county auditor or county assessor publishes personal information, in  
11 good faith, on the web site of the county auditor or county assessor in  
12 the ordinary course of carrying out public functions.

13 (3) For the purposes of this section:

14 (a) "Commissioner" means a commissioner of the superior court,  
15 court of appeals, or supreme court.

16 (b) "Immediate family" means a peace officer's, justice's, judge's,  
17 commissioner's, public defender's, or prosecutor's spouse, child, or  
18 parent and any other adult who lives in the same residence as the  
19 person.

20 (c) "Judge" means a judge of the United States district court, the  
21 United States court of appeals, the United States magistrate, the  
22 United States bankruptcy court, and the Washington court of appeals,  
23 superior court, district court, or municipal court.

24 (d) "Justice" means a justice of the United States supreme court or  
25 Washington supreme court.

26 (e) "Personal information" means a peace officer's, justice's,  
27 judge's, commissioner's, public defender's, or prosecutor's home  
28 address, home telephone number, pager number, Social Security number,  
29 home email address, directions to the person's home, or photographs of  
30 the person's home or vehicle.

31 (f) "Prosecutor" means a county prosecuting attorney, a city  
32 attorney, the attorney general, or a United States attorney and their  
33 assistants or deputies.

34 (g) "Public defender" means a federal public defender, or other  
35 public defender, and his or her assistants or deputies.

36 **Sec. 3.** RCW 4.24.700 and 2002 c 336 s 3 are each amended to read  
37 as follows:

1       (~~Any law enforcement related, corrections officer related, or~~  
2 ~~court related employee or volunteer who suffers damages as a result of~~  
3 ~~a person or organization selling, trading, giving, publishing,~~  
4 ~~distributing, or otherwise releasing the residential address,~~  
5 ~~residential telephone number, birthdate, or social security number of~~  
6 ~~the employee or volunteer in violation of RCW 4.24.680 may bring an~~  
7 ~~action against the person or organization in court for actual damages~~  
8 ~~sustained, plus attorneys' fees and costs.))~~

9       Any person whose personal information is made available on the  
10 world wide web as described in RCW 4.24.680(1) who suffers damages as  
11 a result of such conduct may bring an action against the person or  
12 organization who makes such information available, for actual damages  
13 sustained plus punitive damages in an amount not to exceed ten thousand  
14 dollars, and reasonable attorneys' fees and costs.

15       NEW SECTION.   **Sec. 4.** If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 remainder of the act or the application of the provision to other  
18 persons or circumstances is not affected.

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