

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5654

59th Legislature
2006 Regular Session

Passed by the Senate March 7, 2006
YEAS 46 NAYS 0

President of the Senate

Passed by the House February 28, 2006
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5654** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5654

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Prentice, Esser, Oke and Kohl-Welles)

READ FIRST TIME 02/25/05.

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, corrections person,
3 justice, judge, commissioner, public defender, or prosecutor if the
4 dissemination of the personal information poses an imminent and serious
5 threat to the peace officer's, corrections person's, justice's,
6 judge's, commissioner's, public defender's, or prosecutor's safety or
7 the safety of that person's immediate family and the threat is
8 reasonably apparent to the person making the information available on
9 the world wide web to be serious and imminent.

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

14 (3) For the purposes of this section:

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

17 (b) "Corrections person" means any employee or volunteer who by
18 state, county, municipal, or combination thereof, statute has the
19 responsibility for the confinement, care, management, training,
20 treatment, education, supervision, or counseling of those whose civil
21 rights have been limited in some way by legal sanction.

22 (c) "Immediate family" means a peace officer's, corrections
23 person's, justice's, judge's, commissioner's, public defender's, or
24 prosecutor's spouse, child, or parent and any other adult who lives in
25 the same residence as the person.

26 (d) "Judge" means a judge of the United States district court, the
27 United States court of appeals, the United States magistrate, the
28 United States bankruptcy court, and the Washington court of appeals,
29 superior court, district court, or municipal court.

30 (e) "Justice" means a justice of the United States supreme court or
31 Washington supreme court.

32 (f) "Personal information" means a peace officer's, corrections
33 person's, justice's, judge's, commissioner's, public defender's, or
34 prosecutor's home address, home telephone number, pager number, social
35 security number, home e-mail address, directions to the person's home,
36 or photographs of the person's home or vehicle.

37 (g) "Prosecutor" means a county prosecuting attorney, a city

1 attorney, the attorney general, or a United States attorney and their
2 assistants or deputies.

3 (h) "Public defender" means a federal public defender, or other
4 public defender, and his or her assistants or deputies.

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

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

15 Any person whose personal information is made available on the
16 world wide web as described in RCW 4.24.680(1) who suffers damages as
17 a result of such conduct may bring an action against the person or
18 organization who makes such information available, for actual damages
19 sustained plus damages in an amount not to exceed one thousand dollars
20 for each day the personal information was made available on the world
21 wide web, and reasonable attorneys' fees and costs.

22 NEW SECTION. **Sec. 4.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

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