

---

HOUSE BILL 2128

---

State of Washington                      63rd Legislature                      2014 Regular Session

By Representatives Dahlquist, Bergquist, Hayes, Hurst, Ross, and Freeman  
Prefiled 12/19/13. Read first time 01/13/14. Referred to Committee on  
Government Operations & Elections.

1            AN ACT Relating to disclosure of global positioning system data  
2 that shows the residence of an employee or agent of a criminal justice  
3 agency; and reenacting and amending RCW 42.56.240.

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

5            **Sec. 1.** RCW 42.56.240 and 2013 c 315 s 2, 2013 c 190 s 7, and 2013  
6 c 183 s 1 are each reenacted and amended to read as follows:

7            The following investigative, law enforcement, and crime victim  
8 information is exempt from public inspection and copying under this  
9 chapter:

10            (1) Specific intelligence information and specific investigative  
11 records compiled by investigative, law enforcement, and penology  
12 agencies, and state agencies vested with the responsibility to  
13 discipline members of any profession, the nondisclosure of which is  
14 essential to effective law enforcement or for the protection of any  
15 person's right to privacy;

16            (2) Information revealing the identity of persons who are witnesses  
17 to or victims of crime or who file complaints with investigative, law  
18 enforcement, or penology agencies, other than the commission, if  
19 disclosure would endanger any person's life, physical safety, or

1 property. If at the time a complaint is filed the complainant, victim,  
2 or witness indicates a desire for disclosure or nondisclosure, such  
3 desire shall govern. However, all complaints filed with the commission  
4 about any elected official or candidate for public office must be made  
5 in writing and signed by the complainant under oath;

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

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

15 (5) Information revealing the identity of child victims of sexual  
16 assault who are under age eighteen. Identifying information means the  
17 child victim's name, address, location, photograph, and in cases in  
18 which the child victim is a relative or stepchild of the alleged  
19 perpetrator, identification of the relationship between the child and  
20 the alleged perpetrator;

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

22 (7) Data from the electronic sales tracking system established in  
23 RCW 69.43.165;

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

29 (9) Personally identifying information collected by law enforcement  
30 agencies pursuant to local security alarm system programs and vacation  
31 crime watch programs. Nothing in this subsection shall be interpreted  
32 so as to prohibit the legal owner of a residence or business from  
33 accessing information regarding his or her residence or business;

34 ((and))

35 (10) The felony firearm offense conviction database of felony  
36 firearm offenders established in RCW 43.43.822; ((and))

37 (11) The identity of a state employee or officer who has in good  
38 faith filed a complaint with an ethics board, as provided in RCW

1 42.52.410, or who has in good faith reported improper governmental  
2 action, as defined in RCW 42.40.020, to the auditor or other public  
3 official, as defined in RCW 42.40.020; (~~and~~))

4 (12) The following security threat group information collected and  
5 maintained by the department of corrections pursuant to RCW 72.09.745:

6 (a) Information that could lead to the identification of a person's  
7 security threat group status, affiliation, or activities; (b)  
8 information that reveals specific security threats associated with the  
9 operation and activities of security threat groups; and (c) information  
10 that identifies the number of security threat group members,  
11 affiliates, or associates; and

12 (13) Global positioning system data that shows the residence of an  
13 employee or agent of a criminal justice agency as such agency is  
14 defined in RCW 10.97.030, however:

15 (a) Any information related to the employee or agent arriving at an  
16 incident or conducting an enforcement action is not exempt from  
17 disclosure under this subsection (13); and

18 (b) "Data that shows the residence" means global positioning system  
19 coordinates or approximate addresses corresponding to points located  
20 within a three mile distance from the employee's or agent's residential  
21 address at the time of request.

--- END ---