

SENATE BILL REPORT

SB 5869

As of January 24, 2022

Title: An act relating to photographs, digital photographs, microphotographs, videotapes, other recorded images, or other records identifying a specific instance of travel from toll systems and traffic safety cameras.

Brief Description: Concerning photographs, digital photographs, microphotographs, videotapes, other recorded images, or other records identifying a specific instance of travel from toll systems and traffic safety cameras.

Sponsors: Senators Lovick, Dhingra, Keiser, King, Kuderer, Wellman and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 1/24/22.

Brief Summary of Bill

- Makes available to law enforcement, pursuant to a lawfully issued search warrant, any photographs, digital photographs, microphotographs, videotapes, other recorded images, or other records identifying a specific instance of travel from toll systems and traffic safety cameras.
- Makes available to prosecuting attorneys and defense lawyers photographs, digital photographs, microphotographs, videotapes, other recorded images, or other records identifying a specific instance of travel from toll booths and traffic safety cameras pursuant to a subpoena for producing evidence or permitting inspection in a criminal case in which a court has made a finding of materiality.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Ryan Giannini (786-7285)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Notwithstanding other provisions of law, all photographs, digital photographs, microphotographs, videotapes, other recorded images, and other records identifying a specific instance of travel prepared by a tolling agency for toll collection and enforcement purposes are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a civil penalty that occurs when a toll is not paid by the toll payment due date. No photographs, digital photographs, microphotographs, videotapes, other recorded images, and other records identifying a specific instance of travel may be used for any purpose other than toll collection or enforcement of the civil penalty. Records identifying a specific instance of travel by a specific person or vehicle must be retained only as required to ensure payment and enforcement of tolls and to comply with state records retention policies.

Notwithstanding other provisions of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared by traffic safety cameras are for the exclusive use of law enforcement in issuing a notice of infraction. Such photographs, microphotographs, or electronic images, or any other personally identifying data is not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to an infraction detected by the traffic safety camera. No photograph, microphotograph, or electronic image, or other personally identifying data may be used for any purpose other than enforcement of infractions. Such records may not be retained longer than necessary to enforce such infractions.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): Pursuant to a lawfully issued search warrant, any photographs, digital photographs, microphotographs, videotapes, other recorded images, or other records identifying a specific instance of travel prepared by toll systems and traffic safety cameras shall be made available to law enforcement. The restrictions that these records be used solely for the purposes of tolls, civil penalties, or infractions will not apply.

Pursuant to a subpoena for producing evidence or permitting inspection in a criminal case in which a court has made a finding of materiality, any photographs, digital photographs, microphotographs, videotapes, other recorded images, or other record identifying a specific instance of travel prepared by toll systems and traffic safety cameras shall be made available to prosecuting attorneys and defense lawyers. The restrictions that these records be used solely for the purposes of tolls, civil penalties, or infractions will not apply.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony On Proposed Substitute: PRO: Law enforcement officers may face extreme difficulties in solving crimes due to a lack of compelling evidence. Passage of this bill would aid officers by providing additional evidence. The process outlined in the bill can save law enforcement time. Requiring a search warrant, based on probable cause of a specific crime, ensures that law enforcement officers do their jobs efficiently, safely, and constitutionally.

Persons Testifying: PRO: Senator John Lovick, Prime Sponsor; Taylor Gardner, WASPC; Kelly Busey, Gig Harbor Police Department - Chief.

Persons Signed In To Testify But Not Testifying: No one.