
SENATE BILL 5274

State of Washington **69th Legislature** **2025 Regular Session**

By Senators Braun, Christian, Dhingra, Dozier, and J. Wilson

Read first time 01/15/25. Referred to Committee on Human Services.

1 AN ACT Relating to body worn cameras within corrections agencies;
2 amending RCW 10.109.030; reenacting and amending RCW 42.56.240; and
3 adding a new section to chapter 10.109 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.109
6 RCW to read as follows:

7 (1) The department of children, youth, and families shall
8 establish a pilot program for the use of body worn cameras at Green
9 Hill school by January 1, 2026.

10 (2) The department shall establish policies regarding the use of
11 body worn cameras pursuant to RCW 10.109.010.

12 **Sec. 2.** RCW 10.109.030 and 2018 c 285 s 3 are each amended to
13 read as follows:

14 For state and local agencies, a body worn camera may only be used
15 by officers employed by a general authority Washington law
16 enforcement agency as defined in RCW 10.93.020, any officer employed
17 by the department of corrections, any officer employed by the
18 department of children, youth, and families, and personnel for jails
19 as defined in RCW 70.48.020 and detention facilities as defined in
20 RCW 13.40.020.

1 **Sec. 3.** RCW 42.56.240 and 2024 c 299 s 2 and 2024 c 298 s 21 are
2 each reenacted and amended to read as follows:

3 The following investigative, law enforcement, and crime victim
4 information is exempt from public inspection and copying under this
5 chapter:

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

12 (2) Information revealing the identity of persons who are
13 witnesses to or victims of crime or who file complaints with
14 investigative, law enforcement, or penology agencies, other than the
15 commission, if disclosure would endanger any person's life, physical
16 safety, or property. If at the time a complaint is filed the
17 complainant, victim, or witness indicates a desire for disclosure or
18 nondisclosure, such desire shall govern. However, all complaints
19 filed with the commission about any elected official or candidate for
20 public office must be made in writing and signed by the complainant
21 under oath;

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

28 (4) License applications under RCW 9.41.070, except that copies
29 of license applications or information on the applications may be
30 released to law enforcement or corrections agencies or to persons and
31 entities as authorized under RCW 9.41.815;

32 (5)(a) Information revealing the specific details that describe
33 an alleged or proven child victim of sexual assault or commercial
34 sexual exploitation under age 18, or the identity or contact
35 information of an alleged or proven child victim of sexual assault or
36 commercial sexual exploitation who is under age 18. Identifying
37 information includes the child victim's name, addresses, location,
38 photograph, and in cases in which the child victim is a relative,
39 stepchild, or stepsibling of the alleged perpetrator, identification
40 of the relationship between the child and the alleged perpetrator.

1 Contact information includes phone numbers, email addresses, social
2 media profiles, and user names and passwords.

3 (b) For purposes of this subsection (5), "commercial sexual
4 exploitation" has the same meaning as in RCW 7.105.010;

5 (6) Information contained in a local or regionally maintained
6 gang database as well as the statewide gang database referenced in
7 RCW 43.43.762;

8 (7) Data from the electronic sales tracking system established in
9 RCW 69.43.165;

10 (8) Information submitted to the statewide unified sex offender
11 notification and registration program under RCW 36.28A.040(6) by a
12 person for the purpose of receiving notification regarding a
13 registered sex offender, including the person's name, residential
14 address, and email address;

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

21 (10) The felony firearm offense conviction database of felony
22 firearm offenders established in RCW 43.43.822;

23 (11) The identity of a state employee or officer who has in good
24 faith filed a complaint with an ethics board, as provided in RCW
25 42.52.410, or who has in good faith reported improper governmental
26 action, as defined in RCW 42.40.020, to the auditor or other public
27 official, as defined in RCW 42.40.020;

28 (12) The following security threat group information collected
29 and maintained by the department of corrections pursuant to RCW
30 72.09.745: (a) Information that could lead to the identification of a
31 person's security threat group status, affiliation, or activities;
32 (b) information that reveals specific security threats associated
33 with the operation and activities of security threat groups; and (c)
34 information that identifies the number of security threat group
35 members, affiliates, or associates;

36 (13) The global positioning system data that would indicate the
37 location of the residence of an employee or worker of a criminal
38 justice agency as defined in RCW 10.97.030;

39 (14) Body worn camera recordings to the extent nondisclosure is
40 essential for the protection of any person's right to privacy as

1 described in RCW 42.56.050, including, but not limited to, the
2 circumstances enumerated in (a) of this subsection. A law enforcement
3 or corrections agency shall not disclose a body worn camera recording
4 to the extent the recording is exempt under this subsection.

5 (a) Disclosure of a body worn camera recording is presumed to be
6 highly offensive to a reasonable person under RCW 42.56.050 to the
7 extent it depicts:

8 (i) (A) Any areas of a medical facility, counseling, or
9 therapeutic program office where:

10 (I) A patient is registered to receive treatment, receiving
11 treatment, waiting for treatment, or being transported in the course
12 of treatment; or

13 (II) Health care information is shared with patients, their
14 families, or among the care team; or

15 (B) Information that meets the definition of protected health
16 information for purposes of the health insurance portability and
17 accountability act of 1996 or health care information for purposes of
18 chapter 70.02 RCW;

19 (ii) The interior of a place of residence where a person has a
20 reasonable expectation of privacy;

21 (iii) An intimate image;

22 (iv) A minor;

23 (v) The body of a deceased person;

24 (vi) The identity of or communications from a victim or witness
25 of an incident involving domestic violence as defined in RCW
26 10.99.020 or sexual assault as defined in RCW 70.125.030, or
27 disclosure of intimate images as defined in RCW 9A.86.010. If at the
28 time of recording the victim or witness indicates a desire for
29 disclosure or nondisclosure of the recorded identity or
30 communications, such desire shall govern; or

31 (vii) The identifiable location information of a community-based
32 domestic violence program as defined in RCW 70.123.020, or emergency
33 shelter as defined in RCW 70.123.020.

34 (b) The presumptions set out in (a) of this subsection may be
35 rebutted by specific evidence in individual cases.

36 (c) In a court action seeking the right to inspect or copy a body
37 worn camera recording, a person who prevails against a law
38 enforcement or corrections agency that withholds or discloses all or
39 part of a body worn camera recording pursuant to (a) of this
40 subsection is not entitled to fees, costs, or awards pursuant to RCW

1 42.56.550 unless it is shown that the law enforcement or corrections
2 agency acted in bad faith or with gross negligence.

3 (d) A request for body worn camera recordings must:

4 (i) Specifically identify a name of a person or persons involved
5 in the incident;

6 (ii) Provide the incident or case number;

7 (iii) Provide the date, time, and location of the incident or
8 incidents; or

9 (iv) Identify a law enforcement or corrections officer involved
10 in the incident or incidents.

11 (e)(i) A person directly involved in an incident recorded by the
12 requested body worn camera recording, an attorney representing a
13 person directly involved in an incident recorded by the requested
14 body worn camera recording, a person or his or her attorney who
15 requests a body worn camera recording relevant to a criminal case
16 involving that person, or the executive director from either the
17 Washington state commission on African American affairs, Asian
18 Pacific American affairs, or Hispanic affairs, has the right to
19 obtain the body worn camera recording, subject to any exemption under
20 this chapter or any applicable law. In addition, an attorney who
21 represents a person regarding a potential or existing civil cause of
22 action involving the denial of civil rights under the federal or
23 state Constitution, or a violation of a United States department of
24 justice settlement agreement, has the right to obtain the body worn
25 camera recording if relevant to the cause of action, subject to any
26 exemption under this chapter or any applicable law. The attorney must
27 explain the relevancy of the requested body worn camera recording to
28 the cause of action and specify that he or she is seeking relief from
29 redaction costs under this subsection (14)(e).

30 (ii) A law enforcement or corrections agency responding to
31 requests under this subsection (14)(e) may not require the requesting
32 individual to pay costs of any redacting, altering, distorting,
33 pixelating, suppressing, or otherwise obscuring any portion of a body
34 worn camera recording.

35 (iii) A law enforcement or corrections agency may require any
36 person requesting a body worn camera recording pursuant to this
37 subsection (14)(e) to identify himself or herself to ensure he or she
38 is a person entitled to obtain the body worn camera recording under
39 this subsection (14)(e).

1 (f) (i) A law enforcement or corrections agency responding to a
2 request to disclose body worn camera recordings may require any
3 requester not listed in (e) of this subsection to pay the reasonable
4 costs of redacting, altering, distorting, pixelating, suppressing, or
5 otherwise obscuring any portion of the body worn camera recording
6 prior to disclosure only to the extent necessary to comply with the
7 exemptions in this chapter or any applicable law.

8 (ii) An agency that charges redaction costs under this subsection
9 (14) (f) must use redaction technology that provides the least costly
10 commercially available method of redacting body worn camera
11 recordings, to the extent possible and reasonable.

12 (iii) In any case where an agency charges a requestor for the
13 costs of redacting a body worn camera recording under this subsection
14 (14) (f), the time spent on redaction of the recording shall not count
15 towards the agency's allocation of, or limitation on, time or costs
16 spent responding to public records requests under this chapter, as
17 established pursuant to local ordinance, policy, procedure, or state
18 law.

19 (g) For purposes of this subsection (14):

20 (i) "Body worn camera recording" means a video and/or sound
21 recording that is made by a body worn camera attached to the uniform
22 or eyewear of a law enforcement or corrections officer while in the
23 course of his or her official duties; (~~and~~)

24 (ii) "Corrections agency" has the same meaning as "correctional
25 institution" in RCW 9.94.049; and

26 (iii) "Intimate image" means an individual or individuals engaged
27 in sexual activity, including sexual intercourse as defined in RCW
28 9A.44.010 and masturbation, or an individual's intimate body parts,
29 whether nude or visible through less than opaque clothing, including
30 the genitals, pubic area, anus, or postpubescent female nipple.

31 (h) Nothing in this subsection shall be construed to restrict
32 access to body worn camera recordings as otherwise permitted by law
33 for official or recognized civilian and accountability bodies or
34 pursuant to any court order.

35 (i) Nothing in this section is intended to modify the obligations
36 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,
37 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*
38 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and
39 the relevant Washington court criminal rules and statutes.

1 (j) A law enforcement or corrections agency must retain body worn
2 camera recordings for at least 60 days and thereafter may destroy the
3 records in accordance with the applicable records retention schedule;

4 (15) Any records and information contained within the statewide
5 sexual assault kit tracking system established in RCW 43.43.545;

6 (16)(a) Survivor communications with, and survivor records
7 maintained by, campus-affiliated advocates.

8 (b) Nothing in this subsection shall be construed to restrict
9 access to records maintained by a campus-affiliated advocate in the
10 event that:

11 (i) The survivor consents to inspection or copying;

12 (ii) There is a clear, imminent risk of serious physical injury
13 or death of the survivor or another person;

14 (iii) Inspection or copying is required by federal law; or

15 (iv) A court of competent jurisdiction mandates that the record
16 be available for inspection or copying.

17 (c) "Campus-affiliated advocate" and "survivor" have the
18 definitions in RCW 28B.112.030;

19 (17) Information and records prepared, owned, used, or retained
20 by the Washington association of sheriffs and police chiefs and
21 information and records prepared, owned, used, or retained by the
22 Washington state patrol pursuant to chapter 261, Laws of 2017;

23 (18) Any and all audio or video recordings of child forensic
24 interviews as defined in chapter 26.44 RCW. Such recordings are
25 confidential and may only be disclosed pursuant to a court order
26 entered upon a showing of good cause and with advance notice to the
27 child's parent, guardian, or legal custodian. However, if the child
28 is an emancipated minor or has attained the age of majority as
29 defined in RCW 26.28.010, advance notice must be to the child.
30 Failure to disclose an audio or video recording of a child forensic
31 interview as defined in chapter 26.44 RCW is not grounds for
32 penalties or other sanctions available under this chapter; and

33 (19) Information exempt from public disclosure and copying under
34 RCW 43.10.305(2)(f).

--- END ---