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SENATE BILL 6222

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State of Washington

61st Legislature

2010 Regular Session

By Senator Benton

Read first time 01/11/10. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to exempting certain nonconviction data from public  
2 inspection and copying under the public records act; and amending RCW  
3 42.56.240.

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

5 **Sec. 1.** RCW 42.56.240 and 2008 c 276 s 202 are each amended to  
6 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; (~~and~~)

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

22 (7) Nonconviction data, except for the purpose of challenge or  
23 correction when the person who is the subject of the record asserts the  
24 belief in writing that the information regarding such person is  
25 inaccurate or incomplete, as provided in RCW 10.97.080.

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