

CERTIFICATION OF ENROLLMENT

SENATE BILL 5810

63rd Legislature
2013 Regular Session

Passed by the Senate April 24, 2013
YEAS 46 NAYS 0

President of the Senate

Passed by the House April 11, 2013
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5810** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5810

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By Senators Darneille, Carrell, and Shin; by request of Department of Corrections

Read first time 02/18/13. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to exemption of information contained in the
2 department of corrections' security threat group database; amending RCW
3 42.56.240; and adding a new section to chapter 72.09 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 72.09 RCW
6 to read as follows:

7 (1) The department may collect, evaluate, and analyze data and
8 specific investigative and intelligence information concerning the
9 existence, structure, activities, and operations of security threat
10 groups and the participants involved therein under the jurisdiction of
11 the department. The data compiled may aid in addressing violence
12 reduction, illegal activities, and identification of offender
13 separation or protection needs, and may be used to assist law
14 enforcement agencies and prosecutors in developing evidence for
15 purposes of criminal prosecution upon request.

16 (2) The following security threat group information collected and
17 maintained by the department shall be exempt from public disclosure
18 under chapter 42.56 RCW: (a) Information that could lead to the
19 identification of a person's security threat group status, affiliation,

1 or activities; (b) information that reveals specific security threats
2 associated with the operation and activities of security threat groups;
3 and (c) information that identifies the number of security threat group
4 members, affiliates, or associates.

5 **Sec. 2.** RCW 42.56.240 and 2012 c 88 s 1 are each amended to read
6 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
20 property. If at the time a complaint is filed the complainant, victim,
21 or witness indicates a desire for disclosure or nondisclosure, such
22 desire shall govern. However, all complaints filed with the commission
23 about any elected official or candidate for public office must be made
24 in writing and signed by the complainant under oath;

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

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

34 (5) Information revealing the identity of child victims of sexual
35 assault who are under age eighteen. Identifying information means the
36 child victim's name, address, location, photograph, and in cases in

1 which the child victim is a relative or stepchild of the alleged
2 perpetrator, identification of the relationship between the child and
3 the alleged perpetrator;

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

5 (7) Data from the electronic sales tracking system established in
6 RCW 69.43.165;

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

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

17 (10) The following security threat group information collected and
18 maintained by the department of corrections pursuant to section 1 of
19 this act: (a) Information that could lead to the identification of a
20 person's security threat group status, affiliation, or activities; (b)
21 information that reveals specific security threats associated with the
22 operation and activities of security threat groups; and (c) information
23 that identifies the number of security threat group members,
24 affiliates, or associates.

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