1094-S AMH MORR KLEE 028

**SHB 1094** - H AMD **116**

By Representative Morris

**ADOPTED 03/04/2015**

 On page 1, line 18, after "disclosure" strike "of" and insert "to"

 On page 2, line 7, after "made" strike "by or"

On page 2, line 16, after "permissible" strike "as required"

On page 2, line 18, after "authority," strike "particularly"

On page 2, beginning on line 32, strike all of subsection (4) and insert the following:

"(4) For purposes of this section, the following definitions apply unless the context clearly requires otherwise:

 (a) "Biometric identifier" means a characteristic, whether biological, behavioral, or both, that uniquely identifies and enables automated recognition of an individual, including but not limited to fingerprints, DNA, hand geometry, palm print, and iris scan. "Biometric identifier" also includes less sensitive identifiers including, but not limited to, facial imaging, voice, and gait, only when used for automated identification purposes. Video surveillance and photographs derived from biometric identifiers are not considered biometric identifiers.

(b) “Consent” means an authorization by an individual, given after the individual has received clear and conspicuous notice in writing of the purposes for which the biometric identifier may be disclosed."

 On page 3, after line 8, insert the following:

 "(6) Nothing in this act shall be construed to expand or limit the authority of a Washington state law enforcement officer acting within the scope of his or her authority, including, but not limited to, executing lawful searches and seizures."

 Renumber the remaining subsection(s) consecutively and correct any

internal references accordingly.

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|  |  EFFECT:   * Defines consent for the purposes of capture and disclosure of an individual's biometric identifier.
* Clarifies that video surveillance and photographs are not biometric identifiers.
* States that nothing in this act shall be construed to expand or limit the authority of a Washington state law enforcement officer acting within the scope of his or her authority, including, but not limited to executing lawful searches and seizures.
* Clarifies that disclosure of a biometric identifier is permitted when made to, not by and to, a law enforcement agency for a law enforcement purpose in response to a warrant and makes other housekeeping language changes.
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