

SHB 1793 - H AMD TO H AMD (H-2820.2/19) **596**

By Representative Caldier

SCOPE AND OBJECT 04/15/2019

1 On page 3, line 10 of the striking amendment, after "law" strike
2 ", all" and insert "~~(, all)~~":

3 (i) No"

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5 On page 3, beginning on line 12 of the striking amendment,
6 beginning with "are" strike all material through "public" on line 13
7 and insert "~~((are for the exclusive use of law enforcement in the
8 discharge of duties under this section and are not open to the
9 public))~~ are open to the public.

10 (ii) All photographs, microphotographs, or electronic images
11 prepared under this section that are taken by automated traffic safety
12 cameras used to detect stoplight violations, railroad crossing
13 violations, school speed zone violations, or speed violations subject
14 to (c) of this subsection, are for the exclusive use of law
15 enforcement in the discharge of duties under this section"

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17 On page 3, line 16 of the striking amendment, after "image" insert
18 "taken by an automated traffic safety camera used to detect the
19 violations specified in this subsection"

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21 On page 3, after line 18 of the striking amendment, insert the
22 following:

23 "(iii)(A) All photographs, microphotographs, and electronic images
24 prepared under this section that are taken by automated traffic safety
25 cameras used to detect the violations listed in (g)(iii)(B) of this
26 subsection may be used for the following purposes only: (I) The
27 enforcement of civil infractions by law enforcement as authorized

1 under this section, including court proceedings relating to the
2 enforcement of those civil infractions; and (II) the investigation and
3 prosecution of gross misdemeanor and felony crimes pursuant to a
4 lawfully issued search warrant. A photograph, microphotograph, or
5 electronic image taken by an automated traffic safety camera used to
6 detect the violations specified in (g)(iii)(B) of this subsection may
7 not be used for any other purpose and may not be used in court for any
8 other pending action or proceeding. Except when otherwise directed by
9 a court order, no photograph, microphotograph, or electronic image may
10 be retained longer than necessary to enforce this section.

11 (B) Photographs, microphotographs, and electronic images may be
12 used and retained as specified in (g)(iii)(A) of this subsection when
13 they are taken by automated traffic safety cameras that are used to
14 detect the following violations: stopping when traffic obstructed
15 violations; stopping at intersection or crosswalk violations; public
16 transportation only lane violations; and stopping, standing, or
17 parking violations at locations restricted for emergency response
18 vehicle entry or exit or the boarding or disembarking of public
19 transportation vehicles, including public ferries."

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EFFECT: Expands the manner in which a photograph, electronic image, or other specified record collected by an automated traffic safety camera used to detect the violations for which camera use is expanded in the bill can be used to include use for the purposes of a criminal investigation and prosecution of gross misdemeanor and felony crimes pursuant to a lawfully issued search warrant.

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