

HOUSE BILL REPORT

ESSB 6256

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to the collection of criminal palmprint records.

Brief Description: Authorizing collection of offenders' palmprints.

Sponsors: Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Brandland, Kline, McCaslin, Roach, Winsley and Oke).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/24/04, 2/25/04 [DP].

Brief Summary of Engrossed Substitute Bill

- Requires the palmprinting of offenders serving jail or prison sentences.
- Requires the palmprints to be transmitted to the Washington State Patrol.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 5 members: Representatives O'Brien, Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Pearson and Veloria.

Minority Report: Do not pass. Signed by 2 members: Representatives Darneille, Vice Chair; and Kagi.

Staff: Jim Morishima (786-7191).

Background:

Photographs and Fingerprints

Law enforcement agencies are required to collect the photographs and fingerprints of all adults and juveniles arrested on felony or gross misdemeanor charges. Law enforcement agencies have the authority, but not the duty, to collect the photographs and fingerprints of all other lawfully arrested adults, all persons who are the subject of dependency record information, and all persons who are the subject of protection proceeding record information. The law enforcement agencies may also collect the palmprints, soleprints, toeprints, or any other identification data on all persons for whom the law enforcement agency is required or

allowed to collect photographs and fingerprints when it is necessary for proper identification or the investigation of the crime with which the person is charged.

Deoxyribonucleic Acid (DNA) Samples

Every adult and juvenile convicted of a felony, stalking, harassment, or communicating with a minor for immoral purposes must have a biological sample collected from them for DNA analysis. The Washington State Patrol (WSP) is responsible for analyzing the biological sample and submitting it to the DNA identification system.

Summary of Bill:

Any adult or juvenile serving a jail or prison sentence for a felony or gross misdemeanor must be palmprinted prior to release from incarceration. The collected palmprints are to be transmitted to the WSP. The WSP is not required to accept palmprints until it has created rules regarding the acceptance of palmprints and has the resources to utilize the palmprints as part of its automated fingerprint imaging system. An agency required to collect palmprints may charge an offender a fee of up to \$10 to record and maintain palmprint records.

City, county, or state correctional institutions are not required to comply with the palmprinting requirements if the incarcerated offender's palmprints are already recorded with any Washington law enforcement agency. A city or county is not required to comply with the palmprinting requirements if the incarcerated offender in question is being held pending transfer to the Department of Corrections or the Department of Social and Health Services.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Technology has improved to the point where a digital palmprint can be captured. There are already tens of thousands of latent palmprints from crime scenes, but no database with which to compare the latent palmprints. Experience in other jurisdictions has shown that if you create a robust palmprint database, you will get a high hit rate. The state patrol is planning to implement a palmprint database, but there must be a large number of palmprints in the system to do any good. This bill helps to kick-start the system. The bill defrays costs to local governments by allowing them to collect a fee for the palmprints. Also, local governments who are just holding the individuals pending transport to the state do not have to collect the palmprints.

Testimony Against: None.

Persons Testifying: Senator Brandland, prime sponsor; and Tim Schellberg, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.