

SSB 5654 - S AMD 98
By Senator Prentice

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the
4 dissemination of personally identifying information as proscribed in
5 RCW 4.24.680 is not in the public interest.

6 **Sec. 2.** RCW 4.24.680 and 2002 c 336 s 1 are each amended to read
7 as follows:

8 (~~A person or organization shall not, with the intent to harm or
9 intimidate, sell, trade, give, publish, distribute, or otherwise
10 release the residential address, residential telephone number,
11 birthdate, or social security number of any law enforcement related,
12 corrections officer related, or court related employee or volunteer, or
13 someone with a similar name, and categorize them as such, without the
14 express written permission of the employee or volunteer unless
15 specifically exempted by law or court order.))~~

16 (1) A person shall not knowingly make available on the world wide
17 web the personal information of a peace officer, corrections person,
18 justice, judge, commissioner, public defender, or prosecutor if the
19 dissemination of the personal information poses an imminent and serious
20 threat to the peace officer's, corrections person's, justice's,
21 judge's, commissioner's, public defender's, or prosecutor's safety or
22 the safety of that person's immediate family and the threat is
23 reasonably apparent to the person making the information available on
24 the world wide web to be serious and imminent.

25 (2) It is not a violation of this section if an employee of a
26 county auditor or county assessor publishes personal information, in
27 good faith, on the web site of the county auditor or county assessor in
28 the ordinary course of carrying out public functions.

29 (3) For the purposes of this section:

1 (a) "Commissioner" means a commissioner of the superior court,
2 court of appeals, or supreme court.

3 (b) "Corrections person" means any employee or volunteer who by
4 state, county, municipal, or combination thereof, statute has the
5 responsibility for the confinement, care, management, training,
6 treatment, education, supervision, or counseling of those whose civil
7 rights have been limited in some way by legal sanction.

8 (c) "Immediate family" means a peace officer's, justice's, judge's,
9 commissioner's, public defender's, or prosecutor's spouse, child, or
10 parent and any other adult who lives in the same residence as the
11 person.

12 (d) "Judge" means a judge of the United States district court, the
13 United States court of appeals, the United States magistrate, the
14 United States bankruptcy court, and the Washington court of appeals,
15 superior court, district court, or municipal court.

16 (e) "Justice" means a justice of the United States supreme court or
17 Washington supreme court.

18 (f) "Personal information" means a peace officer's, justice's,
19 judge's, commissioner's, public defender's, or prosecutor's home
20 address, home telephone number, pager number, Social Security number,
21 home email address, directions to the person's home, or photographs of
22 the person's home or vehicle.

23 (g) "Prosecutor" means a county prosecuting attorney, a city
24 attorney, the attorney general, or a United States attorney and their
25 assistants or deputies.

26 (h) "Public defender" means a federal public defender, or other
27 public defender, and his or her assistants or deputies.

28 **Sec. 3.** RCW 4.24.700 and 2002 c 336 s 3 are each amended to read
29 as follows:

30 ~~((Any law enforcement related, corrections officer related, or~~
31 ~~court related employee or volunteer who suffers damages as a result of~~
32 ~~a person or organization selling, trading, giving, publishing,~~
33 ~~distributing, or otherwise releasing the residential address,~~
34 ~~residential telephone number, birthdate, or social security number of~~
35 ~~the employee or volunteer in violation of RCW 4.24.680 may bring an~~
36 ~~action against the person or organization in court for actual damages~~
37 ~~sustained, plus attorneys' fees and costs.))~~

1 Any person whose personal information is made available on the
2 world wide web as described in RCW 4.24.680(1) who suffers damages as
3 a result of such conduct may bring an action against the person or
4 organization who makes such information available, for actual damages
5 sustained plus damages in an amount not to exceed one thousand dollars
6 for each day the personal information was made available on the world
7 wide web, and reasonable attorneys' fees and costs.

8 NEW SECTION. Sec. 4. If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected."

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12 On page 1, line 2 of the title, after "officials;" strike the
13 remainder of the title and insert "amending RCW 4.24.680 and 4.24.700;
14 creating a new section; and prescribing penalties."

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