

FINAL BILL REPORT

SSB 5654

C 355 L 06

Synopsis as Enacted

Brief Description: Protecting the privacy of personal information of criminal justice officials.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Prentice, Esser, Oke and Kohl-Welles).

Senate Committee on Judiciary
House Committee on Judiciary

Background: Current statutes provide that, a person or organization that, with intent to harm or intimidate, sells, trades, gives, publishes, distributes, or otherwise releases the residential address, residential telephone number, birthdate, or social security number of any law enforcement related, corrections officer related, or court related employee or volunteer without express written commission, may be subject to a civil action for actual damages plus attorneys' fees and costs. These statutes were found overbroad and void for vagueness, in *Sheehan v. Gregoire*, because: (1) they punished communication of truthful lawfully-obtained, publicly available information, not true threats; and (2) it was unclear what speech the state had the power to proscribe.

Summary: The current statutory provisions are completely replaced. No person may knowingly make available on the internet the personal information of a peace officer, corrections person, justice, judge, commissioner, public defender, or prosecutor if the dissemination poses an imminent and serious threat to the public officers or their immediate families. It must be reasonably apparent to the person making the information available that the threat is serious and imminent. It is not a violation if a person working in the county auditor's or county assessor's office publishes this information in good faith and in the ordinary course of business. Personal information includes: home addresses, home telephone numbers, pager numbers, social security numbers, home email addresses, directions to the person's home, and photographs of the person's home or vehicle.

Any person who suffers damages as a result of the restricted internet publications may bring a civil action for actual damages, reasonable attorney's fees and costs, and additional damages of up to \$1,000 for each day the personal information was available on the internet.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: June 7, 2006