
SUBSTITUTE SENATE BILL 6523

State of Washington 60th Legislature 2008 Regular Session

By Senate Judiciary (originally sponsored by Senators Kline, McCaslin, Benton, Tom, Swecker, Pridemore, Kauffman, Carrell, Rasmussen, and McAuliffe)

READ FIRST TIME 02/08/08.

1 AN ACT Relating to establishment of a Washington identity theft
2 analysis center; amending RCW 42.56.240; adding a new section to
3 chapter 36.28A RCW; creating a new section; and making an
4 appropriation.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** Identity theft is an epidemic in Washington
7 state. Washington consistently ranks among the top ten states for
8 citizen victimization by identity theft.

9 It is rare that the crime of identity theft does not involve
10 multiple crimes, such as burglary, drug crimes, and fraud. About two-
11 thirds of identity theft criminals are habitual offenders who have
12 prior convictions. Perpetrators of identity theft do not
13 geographically contain themselves, often infiltrating numerous counties
14 in search of citizens, merchants, and financial institutions to
15 victimize.

16 It is essential to establish a central clearinghouse where all
17 types of information related to identity theft can be deposited,
18 analyzed, and disseminated to law enforcement and prosecutors. A

1 central identity theft clearinghouse will increase multijurisdictional
2 investigative and prosecuting efforts, including greater access to and
3 use of analysts.

4 In 2002, local, state, and federal law enforcement agencies in
5 Washington joined together to develop a new system of intelligence
6 sharing. The key component of the system is the Washington joint
7 analytical center (WAJAC), a centralized fusion center serving as a
8 single point of intelligence collection. Regional intelligence groups
9 located throughout the state provide a link to line level personnel and
10 homeland security partners. The purpose of WAJAC is to investigate
11 crimes with the goal of preventing acts of terrorism.

12 It is the intent of the legislature to create and locate a central
13 identity theft clearinghouse with WAJAC. This colocation will enhance
14 the missions of both entities as a result of their ability to share and
15 coordinate pertinent information and thus maximize the efforts of law
16 enforcement.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28A RCW
18 to read as follows:

19 (1) The Washington association of sheriffs and police chiefs shall
20 establish the Washington identity theft analysis center (WITAC) and
21 shall choose a location for the center.

22 (2) The purpose of WITAC is to fuse or combine, in one place,
23 information from divergent sources concerning identity theft in order
24 to facilitate the analysis of such information and dissemination to
25 appropriate law enforcement with the goal of bringing the perpetrators
26 of identity theft crimes to justice.

27 (a) The Washington association of sheriffs and police chiefs shall
28 develop operational linkages between WITAC and the Washington joint
29 analytical center for the purpose of sharing information to the extent
30 allowable under the law.

31 The Washington association of sheriffs and police chiefs shall
32 select the WITAC manager.

33 (b) The Washington association of sheriffs and police chiefs shall
34 have authority to initiate and terminate the hiring of employees for
35 WITAC as well as seek nominations for individuals from county and city
36 jurisdictions to be part of WITAC staff.

1 (3) WITAC is directed to create and maintain a web site accessible
2 to law enforcement, prosecutors, and the department of licensing.

3 (a) Subject to chapter 10.97 RCW, the web site shall be a central
4 repository of information pertaining to identity theft arrests and
5 convictions.

6 (b) Each local law enforcement agency shall transmit its identity
7 theft incident reports to WITAC.

8 (c) Information pertaining to identity theft may be contributed by
9 private parties; however, data shall not be accessible by or
10 disclosable to private parties.

11 (4)(a) The Washington association of sheriffs and police chiefs
12 shall provide WITAC with staff not to exceed ten employees, and
13 resources, within funds appropriated for this purpose, and may solicit
14 and accept the temporary loan of law enforcement officers and other
15 personnel as provided in (b) of this subsection.

16 (b) Law enforcement agencies may assign officers or other
17 knowledgeable personnel to WITAC for a minimum term of two years, and
18 WITAC shall train the officers or other personnel as analysts. The
19 salaries of the local law enforcement officers or other personnel shall
20 be paid by the state while so employed.

21 **Sec. 3.** RCW 42.56.240 and 2005 c 274 s 404 are each amended to
22 read as follows:

23 The following investigative, law enforcement, and crime victim
24 information is exempt from public inspection and copying under this
25 chapter:

26 (1) Specific intelligence information and specific investigative
27 records compiled by investigative, law enforcement, and penology
28 agencies, and state agencies vested with the responsibility to
29 discipline members of any profession, the nondisclosure of which is
30 essential to effective law enforcement or for the protection of any
31 person's right to privacy;

32 (2) Information revealing the identity of persons who are witnesses
33 to or victims of crime or who file complaints with investigative, law
34 enforcement, or penology agencies, other than the commission, if
35 disclosure would endanger any person's life, physical safety, or
36 property. If at the time a complaint is filed the complainant, victim,
37 or witness indicates a desire for disclosure or nondisclosure, such

1 desire shall govern. However, all complaints filed with the commission
2 about any elected official or candidate for public office must be made
3 in writing and signed by the complainant under oath;

4 (3) Any records of investigative reports prepared by any state,
5 county, municipal, or other law enforcement agency pertaining to sex
6 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
7 defined in RCW 71.09.020, which have been transferred to the Washington
8 association of sheriffs and police chiefs for permanent electronic
9 retention and retrieval pursuant to RCW 40.14.070(2)(b);

10 (4) License applications under RCW 9.41.070; copies of license
11 applications or information on the applications may be released to law
12 enforcement or corrections agencies; (~~and~~)

13 (5) Information revealing the identity of child victims of sexual
14 assault who are under age eighteen. Identifying information means the
15 child victim's name, address, location, photograph, and in cases in
16 which the child victim is a relative or stepchild of the alleged
17 perpetrator, identification of the relationship between the child and
18 the alleged perpetrator; and

19 (6) Information maintained by the Washington identity theft
20 analysis center for the web site created under section 2(3) of this
21 act.

22 NEW SECTION. Sec. 4. The sum of dollars, or as
23 much thereof as may be necessary, is appropriated for the fiscal year
24 ending June 30, 2009, from the general fund to the Washington
25 association of sheriffs and police chiefs to be used for the purposes
26 of section 2 of this act.

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