

SB 5810 - H AMD 365

By Representative Hunt

ADOPTED 04/11/2013

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 72.09 RCW
4 to read as follows:

5 (1) The department may collect, evaluate, and analyze data and
6 specific investigative and intelligence information concerning the
7 existence, structure, activities, and operations of security threat
8 groups and the participants involved therein under the jurisdiction of
9 the department. The data compiled may aid in addressing violence
10 reduction, illegal activities, and identification of offender
11 separation or protection needs, and may be used to assist law
12 enforcement agencies and prosecutors in developing evidence for
13 purposes of criminal prosecution upon request.

14 (2) The following security threat group information collected and
15 maintained by the department shall be exempt from public disclosure
16 under chapter 42.56 RCW: (a) Information that could lead to the
17 identification of a person's security threat group status, affiliation,
18 or activities; (b) information that reveals specific security threats
19 associated with the operation and activities of security threat groups;
20 and (c) information that identifies the number of security threat group
21 members, affiliates, or associates.

22 **Sec. 2.** RCW 42.56.240 and 2012 c 88 s 1 are each amended to read
23 as follows:

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

27 (1) Specific intelligence information and specific investigative
28 records compiled by investigative, law enforcement, and penology
29 agencies, and state agencies vested with the responsibility to

1 discipline members of any profession, the nondisclosure of which is
2 essential to effective law enforcement or for the protection of any
3 person's right to privacy;

4 (2) Information revealing the identity of persons who are witnesses
5 to or victims of crime or who file complaints with investigative, law
6 enforcement, or penology agencies, other than the commission, if
7 disclosure would endanger any person's life, physical safety, or
8 property. If at the time a complaint is filed the complainant, victim,
9 or witness indicates a desire for disclosure or nondisclosure, such
10 desire shall govern. However, all complaints filed with the commission
11 about any elected official or candidate for public office must be made
12 in writing and signed by the complainant under oath;

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

19 (4) License applications under RCW 9.41.070; copies of license
20 applications or information on the applications may be released to law
21 enforcement or corrections agencies;

22 (5) Information revealing the identity of child victims of sexual
23 assault who are under age eighteen. Identifying information means the
24 child victim's name, address, location, photograph, and in cases in
25 which the child victim is a relative or stepchild of the alleged
26 perpetrator, identification of the relationship between the child and
27 the alleged perpetrator;

28 (6) The statewide gang database referenced in RCW 43.43.762;

29 (7) Data from the electronic sales tracking system established in
30 RCW 69.43.165;

31 (8) Information submitted to the statewide unified sex offender
32 notification and registration program under RCW 36.28A.040(6) by a
33 person for the purpose of receiving notification regarding a registered
34 sex offender, including the person's name, residential address, and e-
35 mail address; ((and))

36 (9) Personally identifying information collected by law enforcement
37 agencies pursuant to local security alarm system programs and vacation

1 crime watch programs. Nothing in this subsection shall be interpreted
2 so as to prohibit the legal owner of a residence or business from
3 accessing information regarding his or her residence or business; and
4 (10) The following security threat group information collected and
5 maintained by the department of corrections pursuant to section 1 of
6 this act: (a) Information that could lead to the identification of a
7 person's security threat group status, affiliation, or activities; (b)
8 information that reveals specific security threats associated with the
9 operation and activities of security threat groups; and (c) information
10 that identifies the number of security threat group members,
11 affiliates, or associates."

12 Correct the title.

EFFECT: Makes the following changes to the underlying senate bill:

(1) Removes the requirement that the department of corrections maintain security threat group data in a centralized database that must be used to maintain the safety and security of offenders, staff, facilities, and the public.

(2) Removes the provision establishing that the security threat group database is confidential.

(3) Limits the Public Records Act exemption for security threat group information, exempting only information that (a) could lead to the identification of a person's security threat group status, affiliation, or activities; (b) reveals specific security threats associated with security threat groups; or (c) identifies the number of security threat group members, affiliates, or associates.

(4) Establishes a cross-reference by listing the exemption along with other Public Records Act exemptions for investigative, law enforcement, and crime victim information.

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