SENATE BILL REPORT
SB 5223

As of Third Reading

Title: An act relating to criminal offense fingerprinting.

Brief Description: Concerning criminal offense fingerprinting.

Sponsors: Senators Wagoner, Holy and Nobles; by request of Washington State Patrol.

Brief History:
Committee Activity: Law & Justice: 1/28/25, 1/30/25 [DP].

Brief Summary of Bill

- Permits judges to order fingerprinting of gross misdemeanor defendants at preliminary hearings or arraignments.
- Expands the right of chief law enforcement officers to photograph and record fingerprints of adults in certain instances.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.
Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Holy, Ranking Member; Fortunato, Lovick, Salomon, Torres and Wagoner.

Staff: Ryan Giannini (786-7285)

Background: Fingerprinting Following Arrest or Adjudication. Each county sheriff or director of public safety, chief of police of every town or city, and chief officer of other law enforcement agency operating within the state (chief law enforcement officer) must photograph and fingerprint all adults and juveniles lawfully arrested for the commission of any felony or gross misdemeanor offense. When an arrested juvenile is brought directly to a juvenile detention facility, the juvenile court administrator is also authorized, but not

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required, to photograph and fingerprint these juveniles.

Each chief law enforcement officer has the right to photograph and record the fingerprints of all lawfully arrested adults.

Each chief law enforcement officer or local director of corrections operating within the state must transmit to the Washington State Patrol (WSP) identifying information, including fingerprints, within 72 hours from the time of arrest.

At the preliminary hearing or the arraignment of a felony case, the judge must ensure that the felony defendants have been fingerprinted. In cases where fingerprints have not been taken, the judge must order the chief law enforcement officer or the local director of corrections, or the juvenile court administrator in juvenile cases, to initiate fingerprinting and transmit the fingerprints to the WSP.

Summary of Bill: At the preliminary hearing or the arraignment of a gross misdemeanor case, the judge may ensure that the defendants have been fingerprinted. In cases where fingerprints have not been taken, the judge may order the chief law enforcement officer or the local director of corrections to initiate fingerprinting and transmit the fingerprints to the WSP.

The right of chief law enforcement officers to photograph and record fingerprints is expanded to include those adults who are cited and released or issued a summons to appear in court on criminal charges.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Sometimes a fingerprint is the best thing to either rule someone in as a suspect or exonerate someone as a suspect. Having a robust database keeps everyone safe. Without access to fingerprints, the WSP's Criminal Records Division cannot update a person's record with the arrest disposition information. District and municipal courts currently do not have the authority to order fingerprints for gross misdemeanors that are not collected at the time of arrest or citation. This limitation hinders the court's ability to obtain fingerprints in criminal cases. This bill enables judges to have discretion to order fingerprints during preliminary hearings or arraignments and allows law enforcement to capture fingerprints during the cite and release process or via a court summons.

CON: This bill does not take into account the fact that people are presumed innocent, false arrests occur, false allegations occur, and other issues. This is a means by which we can further criminalize and engage in further mass incarceration. Individuals who are arrested and booked into jail are going to be fingerprinted. Those who are cited and released involve lesser crimes that do not need to have their fingerprints taken nor do they need to become part of a criminal database prior to any conviction occurring. Making this be at the court's discretion means individuals will be treated differently depending on things such as race.

Persons Testifying: PRO: Senator Keith Wagoner, Prime Sponsor; Deion Glover, Washington State Patrol.

CON: Kari Reardon, WACDL/WDA.

Persons Signed In To Testify But Not Testifying: No one.