
ENGROSSED SUBSTITUTE HOUSE BILL 2508

State of Washington

69th Legislature

2026 Regular Session

By House Community Safety (originally sponsored by Representatives Entenman, Kloba, Mena, Stearns, Parshley, Reeves, Bergquist, Burnett, Doglio, Goodman, Ormsby, Hill, Pollet, Street, and Reed; by request of Office of Independent Investigations)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to clarifying the scope of authority of the
2 office of independent investigations to align with current operations
3 and practices and to include public disclosure requirements and
4 protect privacy; amending RCW 43.102.030, 43.102.080, and 43.102.120;
5 reenacting and amending RCW 43.102.010 and 42.56.240; and adding a
6 new section to chapter 43.102 RCW.

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

8 **Sec. 1.** RCW 43.102.010 and 2024 c 64 s 1 are each reenacted and
9 amended to read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "911 communications center(~~(+)~~)_L" for purposes of this
13 chapter(~~(+)~~)_L means a public safety answering point or any other
14 entity that captures and maintains data that is utilized in a 911
15 emergency communications system, as defined in RCW 38.52.010.

16 (2) "Advisory board" means the office of independent
17 investigations advisory board.

18 (3) "Deadly force" has the meaning provided in RCW 9A.16.010.

19 (4) "Director" means the director of the office of independent
20 investigations.

1 (5) "Great bodily harm" has the meaning provided in RCW
2 9A.04.110.

3 (6) "In-custody" refers to a person who is under the physical
4 control of a general authority Washington law enforcement agency or a
5 limited authority Washington law enforcement agency as defined in RCW
6 10.93.020 or a city, county, or regional adult or juvenile
7 institution, correctional, jail, holding, or detention facility as
8 defined in RCW 70.48.020, 72.09.015, or 13.40.020.

9 (7) "Independent investigation team" means a team of qualified
10 and certified peace officer investigators, civilian crime scene
11 specialists, and other representatives who operate independently of
12 any involved agency to conduct investigations of police deadly force
13 incidents. An independent investigation team may be comprised of
14 multiple law enforcement agencies who jointly investigate police use
15 of force incidents in their geographical regions or may be a single
16 law enforcement agency, provided it is not the involved agency.

17 (8) "Involved agency" means (~~a general authority Washington law~~
18 ~~enforcement agency or limited authority Washington law enforcement~~
19 ~~agency, as defined in RCW 10.93.020,)) the agency that employs or
20 supervises the officer or officers who are an involved officer as
21 defined in this section, or an agency responsible for a city, county,
22 or regional adult or juvenile institution, correctional, jail,
23 holding, or detention facility as defined in RCW 70.48.020,
24 72.09.015, or 13.40.020.~~

25 (9) "Involved officer" means one of the following persons who is
26 involved in an incident as an actor or custodial officer in which the
27 act or omission by the individual is within the scope of the
28 jurisdiction of the office as defined in this chapter:

29 (a) A (~~general authority Washington peace officer, specially~~
30 ~~commissioned Washington peace officer, or limited authority~~
31 ~~Washington peace officer, as defined in RCW 10.93.020)) peace
32 officer, whether on or off duty if he or she is exercising his or her
33 authority as a peace officer; or~~

34 (b) An individual while employed in a city, county, or regional
35 adult or juvenile institution, correctional, jail, holding, or
36 detention facility as defined in RCW 70.48.020, 72.09.015, or
37 13.40.020.

38 (10) "Office" means the office of independent investigations.

39 (11) "Substantial bodily harm" has the same meaning as in RCW
40 9A.04.110.

1 **Sec. 2.** RCW 43.102.030 and 2021 c 318 s 302 are each amended to
2 read as follows:

3 In addition to other responsibilities set forth in this chapter,
4 the office shall:

5 (1) Conduct fair, thorough, transparent, and competent
6 investigations of police use of force and other incidents involving
7 law enforcement as authorized in this chapter and shall prioritize
8 investigations conducted by the office based on resources and other
9 criteria developed in consultation with the advisory board(~~(.—The~~
10 ~~office shall commence investigations as follows:~~

11 ~~(a) Beginning no later than July 1, 2022, the office is~~
12 ~~authorized to conduct investigations of deadly force cases occurring~~
13 ~~after July 1, 2022, including any incident involving use of deadly~~
14 ~~force by an involved officer against or upon a person who is in~~
15 ~~custody or out-of-custody; and~~

16 ~~(b) Beginning no later than July 1, 2023, the office is~~
17 ~~authorized to review, and may investigate, prior investigations of~~
18 ~~deadly force by an involved officer if new evidence is brought forth~~
19 ~~that was not included in the initial investigation));~~

20 (2) Analyze data available to the office and provide reports and
21 recommendations as appropriate based on the data regarding issues,
22 trends, and other relevant areas;

23 (3) Provide reports on activities of the office as authorized
24 under this chapter; and

25 (4) Carry out such other responsibilities as may be consistent
26 with this chapter.

27 **Sec. 3.** RCW 43.102.080 and 2024 c 64 s 3 are each amended to
28 read as follows:

29 (1) The office has jurisdiction over, and is authorized to
30 conduct investigations of, all cases and incidents as established
31 within this section.

32 (2)(a) The director may cause an investigation to be conducted
33 into any incident:

34 (i) ~~((Of a))~~ Involving: (A) A use of deadly force by an involved
35 officer ~~((occurring after July 1, 2022, including any incident~~
36 ~~involving use of deadly force by an involved officer against or upon~~
37 ~~a person who is in custody or out-of-custody)); or (B) any death that~~
38 occurs during or after any other use of force by an involved officer

1 if the use of force may have caused or contributed, directly or
2 indirectly, to the death; or

3 (ii) Involving prior investigations of: (A) A use of deadly force
4 by an involved officer; or (B) any death that occurred during or
5 after any other use of force by an involved officer if the use of
6 force may have caused or contributed, directly or indirectly, to the
7 death, if new evidence is brought forth that was not included in the
8 initial investigation.

9 (b) This section applies only if, at the time of the incident:

10 (i) The involved officer was on duty; or

11 (ii) The involved officer was off duty but:

12 (A) Engaged in the investigation, pursuit, detention, or arrest
13 of a person or otherwise exercising the powers of a general authority
14 or limited authority Washington peace officer; or

15 (B) The incident involved equipment or other property issued to
16 the official in relation to his or her duties.

17 (3) The director shall determine prioritization of investigations
18 based on resources and other criteria which may be established in
19 consultation with the advisory board. The director shall ensure that
20 incidents occurring after the date the office begins investigating
21 cases receive the highest priority for investigation.

22 (4) The investigation should include a review of the entire
23 incident, including but not limited to events immediately preceding
24 the incident that may have contributed to or influenced the outcome
25 of the incident that are directly related to the incident under
26 investigation.

27 (5) Upon receiving notification required in RCW 43.102.120 of an
28 incident under the jurisdiction of the office, the director:

29 (a) May cause the incident to be investigated in accordance with
30 this chapter;

31 (b) May determine investigation is not appropriate for reasons
32 including, but not limited to, the case not being in the category of
33 prioritized cases; or

34 (c) If the director determines that the incident is not within
35 the office's jurisdiction to investigate, the director shall decline
36 to investigate, and shall give notice of the fact to the involved
37 agency.

38 (6) If the director determines the case is to be investigated the
39 director will communicate the decision to investigate to the involved
40 agency and will thereafter be the lead investigative body in the case

1 and have priority over any other state or local agency investigating
2 the incident or a case that is under the jurisdiction of the office.
3 The director will implement the process developed pursuant to RCW
4 43.102.050 and conduct the appropriate investigation in accordance
5 with the process.

6 (7) In conducting the investigation the office shall have access
7 to, and copies of, reports and information necessary or related to
8 the investigation in the custody and control of the involved agency,
9 911 emergency communication centers, and any law enforcement agency
10 responding to the scene of the incident as soon as possible. This
11 includes, but is not limited to, voice or video recordings, body
12 camera recordings, and officer notes, as well as disciplinary and
13 administrative records except those that might be statements
14 conducted as part of an administrative investigation related to the
15 incident. In addition, the office shall have access to, and copies
16 of, reports and information necessary or related to the investigation
17 in the custody and control of any responding fire department or
18 ambulance service; however, to the extent such information
19 constitutes health care information, such information may only be
20 provided with the consent of the patient or the patient's next of kin
21 or pursuant to a court order.

22 (8) The investigation shall be concluded within 120 days of
23 acceptance of the case for investigation. If the office is not able
24 to complete the investigation within 120 days, the director shall
25 report to the advisory board the reasons for the delay.

26 **Sec. 4.** RCW 43.102.120 and 2024 c 64 s 5 are each amended to
27 read as follows:

28 (1) An involved agency shall notify the office of any incident by
29 an involved officer in accordance with the requirements under RCW
30 43.102.050 and pursuant to this section.

31 (a) If the incident involves use of deadly force by an involved
32 officer that results in death, substantial bodily harm, or great
33 bodily harm, or any other use of force by an involved officer where
34 there is good reason to believe the use of force may have caused or
35 contributed, directly or indirectly, to a death, the involved agency
36 must immediately contact the office pursuant to the procedure
37 established by the director once the involved agency personnel and
38 other first responders have rendered the scene safe and provided or
39 facilitated lifesaving first aid to persons at the scene who have

1 life-threatening injuries. This requirement does not affect the duty
2 of law enforcement under RCW 36.28A.445.

3 (b) If a death does not occur during or shortly after a use of
4 force other than deadly force, notification to the office does not
5 need to be made immediately after the scene is safe and lifesaving
6 measures have been taken; provided, however, that the involved agency
7 must notify the office as soon as there is good reason to believe the
8 use of force may have caused or contributed, directly or indirectly
9 to a death.

10 (c) In all other cases, the involved agency must notify the
11 office of the incident pursuant to the procedure established by the
12 director.

13 (2)(a) In any case that requires notice to the director under
14 this section, the involved agency shall ensure that any officers or
15 employees over which the involved agency has authority who are at the
16 scene of the incident take all lawful measures necessary for the
17 purposes of protecting, obtaining, or preserving evidence relating to
18 the incident until an office investigator, or independent
19 investigation team at the request of the office, takes charge of the
20 scene.

21 (b) The primary focus of the involved agency must be the
22 protection and preservation of evidence in order to maintain the
23 integrity of the scene until the office investigator or independent
24 investigation team arrives or otherwise provides direction regarding
25 activities at the scene. The involved agency should ensure that
26 evidence, including but not limited to the following is protected and
27 preserved:

28 (i) Physical evidence that is at risk of being destroyed or
29 disappearing and cannot be easily reconstructed, including evidence
30 which may be degraded or tainted by human or environmental factors if
31 left unprotected or unpreserved;

32 (ii) Identification and contact information for witnesses to the
33 incident; and

34 (iii) Photographs and other methods of documenting the location
35 of physical evidence and location and perspective of witnesses.

36 (3)(a) When the office investigator, or independent investigation
37 team acting at the request of the office, arrives at the scene of an
38 incident under the jurisdiction of the office, the involved agency
39 will relinquish control of the scene to the office investigator or
40 independent investigation team upon the request of the office

1 investigator. The involved agency has a duty to comply with the
2 requests of the office related to the investigation conducted
3 pursuant to this chapter.

4 (b) Once the scene is relinquished, no member of the involved
5 agency may participate in any way in the investigation, with the
6 exception of the use of specialized equipment that is necessary for
7 the investigation and where no alternative exists. If there is any
8 equipment of the involved agency used in the investigation, steps
9 must be taken to appropriately limit the role of any involved agency
10 personnel in facilitating the use of that equipment or their
11 engagement with the investigation.

12 (4) If an independent investigation team takes control of the
13 scene at the request of the office, the independent investigation
14 team shall relinquish control of the scene and investigation at the
15 request of the office when the office is on the scene or otherwise
16 provides notice that the office is taking control of the scene. The
17 independent investigation team may (~~continue to~~) engage in the
18 investigation (~~conducted at the scene~~) if requested to do so by the
19 lead office investigator, director, or the director's designee. The
20 involvement of the independent investigation team is limited to
21 activities requested by the office and must terminate following the
22 securing of the scene and any evidence preservation or other actions
23 as determined necessary by the office (~~at the scene~~). The
24 independent investigation team may not continue to participate in the
25 ongoing investigation.

26 (5) (a) No information about the ongoing independent investigation
27 under the jurisdiction of the office may be shared with any member of
28 the involved agency, except as follows:

29 (i) Limited briefings given to the chief or sheriff of the
30 involved agency about the progress of the investigation; or

31 (ii) Information essential to protect the safety of the community
32 or the integrity of any ongoing, urgent criminal investigation; and

33 (iii) Sharing of the information will not impede the ongoing
34 investigation being conducted by the office.

35 (b) No information provided under (a) of this subsection may be
36 divulged to any involved officers or witness officers. If any
37 information is disclosed pursuant to (a)(ii) of this subsection, the
38 following must also occur:

39 (i) The office must document the exact information provided, to
40 whom it was provided, and the reason it was provided;

1 (ii) The involved agency must agree in writing that no involved
2 officer or witness officer will have access to the information other
3 than what is released to the general public. Any press release
4 containing information provided by the office pursuant to this
5 section must be preapproved by the office; and

6 (iii) The person, family, or representative of any person who is
7 the subject of the action by the involved officer that is under
8 investigation by the office must be notified by the office that the
9 information was provided and, as soon as possible without
10 jeopardizing the integrity of any investigation, be provided with the
11 information contained in (b)(i) and (ii) of this subsection.

12 (6) If the office declines to investigate a case, the authority
13 and duty to investigate remains with the independent investigation
14 team or local law enforcement authority with jurisdiction over the
15 incident.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.102
17 RCW to read as follows:

18 The following investigative and private information is
19 confidential and exempt from public inspection and copying under
20 chapter 42.56 RCW:

21 (1) All investigative records compiled or prepared by the office
22 in connection with a review or investigation conducted pursuant to
23 RCW 43.102.080(2)(a)(i) or (ii), until such time as the matter has
24 been referred to the prosecutor for a decision on whether criminal
25 charges should be filed; and

26 (2) All noninvestigative records related to a review or
27 investigation by the office to the extent they contain information
28 that implicates an individual's personal privacy pursuant to RCW
29 42.56.050, including information concerning support services pursuant
30 to RCW 43.102.050(2)(d).

31 **Sec. 6.** RCW 42.56.240 and 2024 c 299 s 2 and 2024 c 298 s 21 are
32 each reenacted and amended to read as follows:

33 The following investigative, law enforcement, and crime victim
34 information is exempt from public inspection and copying under this
35 chapter:

36 (1) Specific intelligence information and specific investigative
37 records compiled by investigative, law enforcement, and penology
38 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
5 witnesses to or victims of crime or who file complaints with
6 investigative, law enforcement, or penology agencies, other than the
7 commission, if disclosure would endanger any person's life, physical
8 safety, or property. If at the time a complaint is filed the
9 complainant, victim, or witness indicates a desire for disclosure or
10 nondisclosure, such desire shall govern. However, all complaints
11 filed with the commission about any elected official or candidate for
12 public office must be made in writing and signed by the complainant
13 under oath;

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

20 (4) License applications under RCW 9.41.070, except that copies
21 of license applications or information on the applications may be
22 released to law enforcement or corrections agencies or to persons and
23 entities as authorized under RCW 9.41.815;

24 (5)(a) Information revealing the specific details that describe
25 an alleged or proven child victim of sexual assault or commercial
26 sexual exploitation under age 18, or the identity or contact
27 information of an alleged or proven child victim of sexual assault or
28 commercial sexual exploitation who is under age 18. Identifying
29 information includes the child victim's name, addresses, location,
30 photograph, and in cases in which the child victim is a relative,
31 stepchild, or stepsibling of the alleged perpetrator, identification
32 of the relationship between the child and the alleged perpetrator.
33 Contact information includes phone numbers, email addresses, social
34 media profiles, and user names and passwords.

35 (b) For purposes of this subsection (5), "commercial sexual
36 exploitation" has the same meaning as in RCW 7.105.010;

37 (6) Information contained in a local or regionally maintained
38 gang database as well as the statewide gang database referenced in
39 RCW 43.43.762;

1 (7) Data from the electronic sales tracking system established in
2 RCW 69.43.165;

3 (8) Information submitted to the statewide unified sex offender
4 notification and registration program under RCW 36.28A.040(6) by a
5 person for the purpose of receiving notification regarding a
6 registered sex offender, including the person's name, residential
7 address, and email address;

8 (9) Personally identifying information collected by law
9 enforcement agencies pursuant to local security alarm system programs
10 and vacation crime watch programs. Nothing in this subsection shall
11 be interpreted so as to prohibit the legal owner of a residence or
12 business from accessing information regarding his or her residence or
13 business;

14 (10) The felony firearm offense conviction database of felony
15 firearm offenders established in RCW 43.43.822;

16 (11) The identity of a state employee or officer who has in good
17 faith filed a complaint with an ethics board, as provided in RCW
18 42.52.410, or who has in good faith reported improper governmental
19 action, as defined in RCW 42.40.020, to the auditor or other public
20 official, as defined in RCW 42.40.020;

21 (12) The following security threat group information collected
22 and maintained by the department of corrections pursuant to RCW
23 72.09.745: (a) Information that could lead to the identification of a
24 person's security threat group status, affiliation, or activities;
25 (b) information that reveals specific security threats associated
26 with the operation and activities of security threat groups; and (c)
27 information that identifies the number of security threat group
28 members, affiliates, or associates;

29 (13) The global positioning system data that would indicate the
30 location of the residence of an employee or worker of a criminal
31 justice agency as defined in RCW 10.97.030;

32 (14) Body worn camera recordings to the extent nondisclosure is
33 essential for the protection of any person's right to privacy as
34 described in RCW 42.56.050, including, but not limited to, the
35 circumstances enumerated in (a) of this subsection. A law enforcement
36 or corrections agency shall not disclose a body worn camera recording
37 to the extent the recording is exempt under this subsection.

38 (a) Disclosure of a body worn camera recording is presumed to be
39 highly offensive to a reasonable person under RCW 42.56.050 to the
40 extent it depicts:

1 (i)(A) Any areas of a medical facility, counseling, or
2 therapeutic program office where:

3 (I) A patient is registered to receive treatment, receiving
4 treatment, waiting for treatment, or being transported in the course
5 of treatment; or

6 (II) Health care information is shared with patients, their
7 families, or among the care team; or

8 (B) Information that meets the definition of protected health
9 information for purposes of the health insurance portability and
10 accountability act of 1996 or health care information for purposes of
11 chapter 70.02 RCW;

12 (ii) The interior of a place of residence where a person has a
13 reasonable expectation of privacy;

14 (iii) An intimate image;

15 (iv) A minor;

16 (v) The body of a deceased person;

17 (vi) The identity of or communications from a victim or witness
18 of an incident involving domestic violence as defined in RCW
19 10.99.020 or sexual assault as defined in RCW 70.125.030, or
20 disclosure of intimate images as defined in RCW 9A.86.010. If at the
21 time of recording the victim or witness indicates a desire for
22 disclosure or nondisclosure of the recorded identity or
23 communications, such desire shall govern; or

24 (vii) The identifiable location information of a community-based
25 domestic violence program as defined in RCW 70.123.020, or emergency
26 shelter as defined in RCW 70.123.020.

27 (b) The presumptions set out in (a) of this subsection may be
28 rebutted by specific evidence in individual cases.

29 (c) In a court action seeking the right to inspect or copy a body
30 worn camera recording, a person who prevails against a law
31 enforcement or corrections agency that withholds or discloses all or
32 part of a body worn camera recording pursuant to (a) of this
33 subsection is not entitled to fees, costs, or awards pursuant to RCW
34 42.56.550 unless it is shown that the law enforcement or corrections
35 agency acted in bad faith or with gross negligence.

36 (d) A request for body worn camera recordings must:

37 (i) Specifically identify a name of a person or persons involved
38 in the incident;

39 (ii) Provide the incident or case number;

1 (iii) Provide the date, time, and location of the incident or
2 incidents; or

3 (iv) Identify a law enforcement or corrections officer involved
4 in the incident or incidents.

5 (e) (i) A person directly involved in an incident recorded by the
6 requested body worn camera recording, an attorney representing a
7 person directly involved in an incident recorded by the requested
8 body worn camera recording, a person or his or her attorney who
9 requests a body worn camera recording relevant to a criminal case
10 involving that person, or the executive director from either the
11 Washington state commission on African American affairs, Asian
12 Pacific American affairs, or Hispanic affairs, has the right to
13 obtain the body worn camera recording, subject to any exemption under
14 this chapter or any applicable law. In addition, an attorney who
15 represents a person regarding a potential or existing civil cause of
16 action involving the denial of civil rights under the federal or
17 state Constitution, or a violation of a United States department of
18 justice settlement agreement, has the right to obtain the body worn
19 camera recording if relevant to the cause of action, subject to any
20 exemption under this chapter or any applicable law. The attorney must
21 explain the relevancy of the requested body worn camera recording to
22 the cause of action and specify that he or she is seeking relief from
23 redaction costs under this subsection (14) (e).

24 (ii) A law enforcement or corrections agency responding to
25 requests under this subsection (14) (e) may not require the requesting
26 individual to pay costs of any redacting, altering, distorting,
27 pixelating, suppressing, or otherwise obscuring any portion of a body
28 worn camera recording.

29 (iii) A law enforcement or corrections agency may require any
30 person requesting a body worn camera recording pursuant to this
31 subsection (14) (e) to identify himself or herself to ensure he or she
32 is a person entitled to obtain the body worn camera recording under
33 this subsection (14) (e).

34 (f) (i) A law enforcement or corrections agency responding to a
35 request to disclose body worn camera recordings may require any
36 requester not listed in (e) of this subsection to pay the reasonable
37 costs of redacting, altering, distorting, pixelating, suppressing, or
38 otherwise obscuring any portion of the body worn camera recording
39 prior to disclosure only to the extent necessary to comply with the
40 exemptions in this chapter or any applicable law.

1 (ii) An agency that charges redaction costs under this subsection
2 (14) (f) must use redaction technology that provides the least costly
3 commercially available method of redacting body worn camera
4 recordings, to the extent possible and reasonable.

5 (iii) In any case where an agency charges a requestor for the
6 costs of redacting a body worn camera recording under this subsection
7 (14) (f), the time spent on redaction of the recording shall not count
8 towards the agency's allocation of, or limitation on, time or costs
9 spent responding to public records requests under this chapter, as
10 established pursuant to local ordinance, policy, procedure, or state
11 law.

12 (g) For purposes of this subsection (14):

13 (i) "Body worn camera recording" means a video and/or sound
14 recording that is made by a body worn camera attached to the uniform
15 or eyewear of a law enforcement or corrections officer while in the
16 course of his or her official duties; and

17 (ii) "Intimate image" means an individual or individuals engaged
18 in sexual activity, including sexual intercourse as defined in RCW
19 9A.44.010 and masturbation, or an individual's intimate body parts,
20 whether nude or visible through less than opaque clothing, including
21 the genitals, pubic area, anus, or postpubescent female nipple.

22 (h) Nothing in this subsection shall be construed to restrict
23 access to body worn camera recordings as otherwise permitted by law
24 for official or recognized civilian and accountability bodies or
25 pursuant to any court order.

26 (i) Nothing in this section is intended to modify the obligations
27 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,
28 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*
29 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and
30 the relevant Washington court criminal rules and statutes.

31 (j) A law enforcement or corrections agency must retain body worn
32 camera recordings for at least 60 days and thereafter may destroy the
33 records in accordance with the applicable records retention schedule;

34 (15) Any records and information contained within the statewide
35 sexual assault kit tracking system established in RCW 43.43.545;

36 (16) (a) Survivor communications with, and survivor records
37 maintained by, campus-affiliated advocates.

38 (b) Nothing in this subsection shall be construed to restrict
39 access to records maintained by a campus-affiliated advocate in the
40 event that:

1 (i) The survivor consents to inspection or copying;
2 (ii) There is a clear, imminent risk of serious physical injury
3 or death of the survivor or another person;
4 (iii) Inspection or copying is required by federal law; or
5 (iv) A court of competent jurisdiction mandates that the record
6 be available for inspection or copying.
7 (c) "Campus-affiliated advocate" and "survivor" have the
8 definitions in RCW 28B.112.030;
9 (17) Information and records prepared, owned, used, or retained
10 by the Washington association of sheriffs and police chiefs and
11 information and records prepared, owned, used, or retained by the
12 Washington state patrol pursuant to chapter 261, Laws of 2017;
13 (18) Any and all audio or video recordings of child forensic
14 interviews as defined in chapter 26.44 RCW. Such recordings are
15 confidential and may only be disclosed pursuant to a court order
16 entered upon a showing of good cause and with advance notice to the
17 child's parent, guardian, or legal custodian. However, if the child
18 is an emancipated minor or has attained the age of majority as
19 defined in RCW 26.28.010, advance notice must be to the child.
20 Failure to disclose an audio or video recording of a child forensic
21 interview as defined in chapter 26.44 RCW is not grounds for
22 penalties or other sanctions available under this chapter; (~~and~~)
23 (19) Information exempt from public disclosure and copying under
24 RCW 43.10.305(2)(f); and
25 (20) Information exempt from public inspection and copying under
26 section 5 of this act.

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