
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6070

State of Washington

69th Legislature

2026 Regular Session

By Senate Ways & Means (originally sponsored by Senators Dhingra, Nobles, Bateman, Kauffman, Llias, Lovelett, Orwall, Saldaña, Slatter, Trudeau, Valdez, and C. Wilson)

READ FIRST TIME 02/09/26.

1 AN ACT Relating to supporting the recovery of missing persons;
2 amending RCW 9.73.260, 10.79.035, 13.60.010, 36.28A.110, 36.28A.112,
3 36.28A.120, and 74.04.062; reenacting and amending RCW 42.56.240;
4 adding a new section to chapter 10.79 RCW; and recodifying RCW
5 36.28A.110, 36.28A.112, and 36.28A.120.

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

7 **Sec. 1.** RCW 9.73.260 and 2023 c 193 s 6 are each amended to read
8 as follows:

9 (1) As used in this section:

10 (a) "Wire communication" means any aural transfer made in whole
11 or in part through the use of facilities for the transmission of
12 communications by the aid of wire, cable, or other like connection
13 between the point of origin and the point of reception, including the
14 use of such connection in a switching station, furnished or operated
15 by any person engaged in providing or operating such facilities for
16 the transmission of intrastate, interstate, or foreign
17 communications, and such term includes any electronic storage of such
18 communication.

19 (b) "Electronic communication" means any transfer of signs,
20 signals, writing, images, sounds, data, or intelligence of any nature

1 transmitted in whole or in part by a wire, radio, electromagnetic,
2 photoelectronic, or photo-optical system, but does not include:

3 (i) Any wire or oral communication;

4 (ii) Any communication made through a tone-only paging device; or

5 (iii) Any communication from a tracking device, but solely to the
6 extent the tracking device is owned by the applicable law enforcement
7 agency.

8 (c) "Electronic communication service" means any service that
9 provides to users thereof the ability to send or receive wire or
10 electronic communications.

11 (d) "Pen register" means a device that records or decodes
12 electronic or other impulses that identify the numbers dialed or
13 otherwise transmitted on the telephone line to which such device is
14 attached, but such term does not include any device used by a
15 provider or customer of a wire or electronic communication service
16 for billing, or recording as an incident to billing, for
17 communications services provided by such provider or any device used
18 by a provider or customer of a wire communication service for cost
19 accounting or other like purposes in the ordinary course of its
20 business.

21 (e) "Trap and trace device" means a device that captures the
22 incoming electronic or other impulses that identify the originating
23 number of an instrument or device from which a wire or electronic
24 communication was transmitted.

25 (f) "Cell site simulator device" means a device that transmits or
26 receives radio waves for the purpose of conducting one or more of the
27 following operations: (i) Identifying, locating, or tracking the
28 movements of a communications device; (ii) intercepting, obtaining,
29 accessing, or forwarding the communications, stored data, or metadata
30 of a communications device; (iii) affecting the hardware or software
31 operations or functions of a communications device; (iv) forcing
32 transmissions from or connections to a communications device; (v)
33 denying a communications device access to other communications
34 devices, communications protocols, or services; or (vi) spoofing or
35 simulating a communications device, cell tower, cell site, or service
36 including, but not limited to, an international mobile subscriber
37 identity catcher or other invasive cell phone or telephone
38 surveillance or eavesdropping device that mimics a cell phone tower
39 and sends out signals to cause cell phones in the area to transmit
40 their locations, identifying information, and communications content,

1 or a passive interception device or digital analyzer that does not
2 send signals to a communications device under surveillance. A cell
3 site simulator device does not include any device used or installed
4 by an electric utility, as defined in RCW 19.280.020, solely to the
5 extent such device is used by that utility to measure electrical
6 usage, to provide services to customers, or to operate the electric
7 grid.

8 (g) "Missing endangered person" has the same meaning as in RCW
9 13.60.010.

10 (2) No person may install or use a pen register, trap and trace
11 device, or cell site simulator device without a prior court order
12 issued under this section except as provided under subsection (6) of
13 this section or RCW 9.73.070.

14 (3) A law enforcement officer may apply for and the superior
15 court may issue orders and extensions of orders authorizing the
16 installation and use of pen registers, trap and trace devices, and
17 cell site simulator devices as provided in this section. The
18 application shall be under oath and shall include the identity of the
19 officer making the application and the identity of the law
20 enforcement agency conducting the criminal investigation or
21 fulfilling community caretaking functions. The applicant must certify
22 that the information likely to be obtained is relevant to an ongoing
23 criminal investigation being conducted by that agency or is necessary
24 for law enforcement to fulfill community caretaking functions.

25 (4) If the court finds that the information likely to be obtained
26 by such installation and use is relevant to an ongoing criminal
27 investigation or is necessary for law enforcement to fulfill
28 community caretaking functions and finds that there is probable cause
29 to believe that the pen register, trap and trace device, or cell site
30 simulator device will lead to obtaining evidence of a crime,
31 contraband, fruits of crime, things criminally possessed, weapons, or
32 other things by means of which a crime has been committed or
33 reasonably appears about to be committed, or will lead to learning
34 the location of a person who is unlawfully restrained or reasonably
35 believed to be a witness in a criminal investigation or for whose
36 arrest there is probable cause, or may aid in locating a missing
37 endangered person, the court shall enter an ex parte order
38 authorizing the installation and use of a pen register, trap and
39 trace device, or cell site simulator device. The order shall specify:

1 (a)(i) In the case of a pen register or trap and trace device,
2 the identity, if known, of the person to whom is leased or in whose
3 name is listed the telephone line to which the pen register or trap
4 and trace device is to be attached; or

5 (ii) In the case of a cell site simulator device, the identity,
6 if known, of (A) the person to whom is subscribed or in whose name is
7 subscribed the electronic communications service utilized by the
8 device to which the cell site simulator device is to be used and (B)
9 the person who possesses the device to which the cell site simulator
10 device is to be used;

11 (b) The identity, if known, of ~~(the)~~:

12 (i) The person who is the subject of the criminal investigation;
13 or

14 (ii) The missing endangered person;

15 (c)(i) In the case of a pen register or trap and trace device,
16 the number and, if known, physical location of the telephone line to
17 which the pen register or trap and trace device is to be attached
18 and, in the case of a trap and trace device, the geographic limits of
19 the trap and trace order; or

20 (ii) In the case of a cell site simulator device: (A) The
21 telephone number or other unique subscriber account number
22 identifying the wire or electronic communications service account
23 used by the device to which the cell site simulator device is to be
24 attached or used; (B) if known, the physical location of the device
25 to which the cell site simulator device is to be attached or used;
26 (C) the type of device, and the communications protocols being used
27 by the device, to which the cell site simulator device is to be
28 attached or used; (D) the geographic area that will be covered by the
29 cell site simulator device; (E) all categories of metadata, data, or
30 information to be collected by the cell site simulator device from
31 the targeted device including, but not limited to, call records and
32 geolocation information; (F) whether or not the cell site simulator
33 device will incidentally collect metadata, data, or information from
34 any parties or devices not specified in the court order, and if so,
35 what categories of information or metadata will be collected; and (G)
36 any disruptions to access or use of a communications or internet
37 access network that may be created by use of the device; and

38 (d) A statement of the offense or a description of the missing
39 endangered person to which the information likely to be obtained by

1 the pen register, trap and trace device, or cell site simulator
2 device relates.

3 The order shall direct, if the applicant has requested, the
4 furnishing of information, facilities, and technical assistance
5 necessary to accomplish the installation of the pen register, trap
6 and trace device, or cell site simulator device. An order issued
7 under this section shall authorize the installation and use of a: (i)
8 Pen register or a trap and trace device for a period not to exceed
9 sixty days; and (ii) cell site simulator device for sixty days. An
10 extension of the original order may only be granted upon: A new
11 application for an order under subsection (3) of this section; and a
12 showing that there is a probability that the information or items
13 sought under this subsection are more likely to be obtained under the
14 extension than under the original order. No extension beyond the
15 first extension shall be granted unless: There is a showing that
16 there is a high probability that the information or items sought
17 under this subsection are much more likely to be obtained under the
18 second or subsequent extension than under the original order; and
19 there are extraordinary circumstances such as a direct and immediate
20 danger of death or serious bodily injury to a law enforcement
21 officer. The period of extension shall be for a period not to exceed
22 sixty days.

23 An order authorizing or approving the installation and use of a
24 pen register, trap and trace device, or cell site simulator device
25 shall direct that the order be sealed until otherwise ordered by the
26 court and that the person owning or leasing the line to which the pen
27 register, trap and trace device, and cell site simulator device is
28 attached or used, or who has been ordered by the court to provide
29 assistance to the applicant, not disclose the existence of the pen
30 register, trap and trace device, or cell site simulator device or the
31 existence of the investigation to the listed subscriber or to any
32 other person, unless or until otherwise ordered by the court.

33 (5) Upon the presentation of an order, entered under subsection
34 (4) of this section, by an officer of a law enforcement agency
35 authorized to install and use a pen register under this chapter, a
36 provider of wire or electronic communication service, landlord,
37 custodian, or other person shall furnish such law enforcement officer
38 forthwith all information, facilities, and technical assistance
39 necessary to accomplish the installation of the pen register
40 unobtrusively and with a minimum of interference with the services

1 that the person so ordered by the court accords the party with
2 respect to whom the installation and use is to take place, if such
3 assistance is directed by a court order as provided in subsection (4)
4 of this section.

5 Upon the request of an officer of a law enforcement agency
6 authorized to receive the results of a trap and trace device under
7 this chapter, a provider of a wire or electronic communication
8 service, landlord, custodian, or other person shall install such
9 device forthwith on the appropriate line and shall furnish such law
10 enforcement officer all additional information, facilities, and
11 technical assistance including installation and operation of the
12 device unobtrusively and with a minimum of interference with the
13 services that the person so ordered by the court accords the party
14 with respect to whom the installation and use is to take place, if
15 such installation and assistance is directed by a court order as
16 provided in subsection (4) of this section. Unless otherwise ordered
17 by the court, the results of the trap and trace device shall be
18 furnished to the officer of a law enforcement agency, designated in
19 the court order, at reasonable intervals during regular business
20 hours for the duration of the order.

21 A provider of a wire or electronic communication service,
22 landlord, custodian, or other person who furnishes facilities or
23 technical assistance pursuant to this subsection shall be reasonably
24 compensated by the law enforcement agency that requests the
25 facilities or assistance for such reasonable expenses incurred in
26 providing such facilities and assistance.

27 No cause of action shall lie in any court against any provider of
28 a wire or electronic communication service, its officers, employees,
29 agents, or other specified persons for providing information,
30 facilities, or assistance in accordance with the terms of a court
31 order under this section. A good faith reliance on a court order
32 under this section, a request pursuant to this section, a legislative
33 authorization, or a statutory authorization is a complete defense
34 against any civil or criminal action brought under this chapter or
35 any other law.

36 (6) (a) Notwithstanding any other provision of this chapter, a law
37 enforcement officer and a prosecuting attorney or deputy prosecuting
38 attorney who jointly and reasonably determine in an ongoing criminal
39 investigation, or a law enforcement officer who reasonably determines
40 in a missing endangered person case, that there is probable cause to

1 believe that an emergency situation exists that involves immediate
2 danger of death or serious bodily injury to any person that requires
3 the installation and use of a pen register, trap and trace device, or
4 cell site simulator device before an order authorizing such
5 installation and use can, with due diligence, be obtained, and there
6 are grounds upon which an order could be entered under this chapter
7 to authorize such installation and use, may have installed and use a
8 pen register, trap and trace device, or cell site simulator device
9 ((if)). If such an action was taken pursuant to an ongoing criminal
10 investigation or to locate a missing endangered person, law
11 enforcement must obtain, within ((forty-eight)) 48 hours after the
12 installation has occurred, or begins to occur, an order approving the
13 installation or use is issued in accordance with subsection (4) of
14 this section. In the absence of an authorizing order, such use
15 pursuant to an ongoing criminal investigation or to locate a missing
16 endangered person shall immediately terminate when the information
17 sought is obtained~~((r))~~; when the application for the order is
18 denied; or when ((forty-eight)) 48 hours have lapsed since the
19 installation of the pen register, trap and trace device, or cell site
20 simulator device~~((r))~~; whichever is earlier. If an order approving
21 the installation or use is not obtained within ((forty-eight)) 48
22 hours, any information obtained is not admissible as evidence in any
23 legal proceeding. The knowing installation or use by any law
24 enforcement officer of a pen register, trap and trace device, or cell
25 site simulator device in an ongoing criminal investigation pursuant
26 to this subsection without application for the authorizing order
27 within ((forty-eight)) 48 hours of the installation shall constitute
28 a violation of this chapter and be punishable as a gross misdemeanor.
29 A provider of a wire or electronic service, landlord, custodian, or
30 other person who furnished facilities or technical assistance
31 pursuant to this subsection shall be reasonably compensated by the
32 law enforcement agency that requests the facilities or assistance for
33 such reasonable expenses incurred in providing such facilities and
34 assistance.

35 (b) A law enforcement agency that authorizes the installation of
36 a pen register, trap and trace device, or cell site simulator device
37 under this subsection (6) shall file a monthly report with the
38 administrator for the courts. The report shall indicate the number of
39 authorizations made, the date and time of each authorization, whether

1 a court authorization was sought within (~~forty-eight~~) 48 hours, and
2 whether a subsequent court authorization was granted.

3 (c) A law enforcement agency authorized to use a cell site
4 simulator device in accordance with this section must: (i) Take all
5 steps necessary to limit the collection of any information or
6 metadata to the target specified in the applicable court order; (ii)
7 take all steps necessary to permanently delete any information or
8 metadata collected from any party not specified in the applicable
9 court order immediately following such collection and must not
10 transmit, use, or retain such information or metadata for any purpose
11 whatsoever; and (iii) delete any information or metadata collected
12 from the target specified in the court order within (~~thirty~~) 30
13 days if there is no longer probable cause to support the belief that
14 such information or metadata is evidence of a crime.

15 (d) If a law enforcement agency has not obtained a court order
16 approving the use of a cell site simulator device in accordance with
17 this section within 48 hours, or if the application for the court
18 order is denied, the law enforcement agency must take all steps
19 necessary to permanently delete any information or metadata collected
20 from any party upon expiration of the 48 hours or upon denial of the
21 court order, and must not transmit, use, or retain such information
22 or metadata for any purpose whatsoever.

23 (7) (a) If an application for the installation and use of a pen
24 register, trap and trace device, or cell site simulator device is for
25 the purpose of investigating or recovering evidence that relates to
26 an investigation that alleges criminal liability for the provision,
27 receipt, attempted provision or receipt, assistance in the provision
28 or receipt, or attempted assistance in the provision or receipt of
29 protected health care services as defined in RCW 7.115.010 that are
30 lawful in the state of Washington, the applicant shall include an
31 attestation, made under penalty of perjury, stating that the
32 application seeks information related to the provision, receipt,
33 attempted provision or receipt, assistance in the provision or
34 receipt, or attempted assistance in the provision or receipt of
35 protected health care services as defined in RCW 7.115.010 that are
36 lawful in the state of Washington.

37 (b) The court shall not issue an order for the installation and
38 use of pen registers, trap and trace devices, and cell site simulator
39 devices for the purpose of investigating or recovering evidence that
40 relates to an investigation that alleges criminal liability for the

1 provision, receipt, attempted provision or receipt, assistance in the
2 provision or receipt, or attempted assistance in the provision or
3 receipt of protected health care services as defined in RCW 7.115.010
4 that are lawful in the state of Washington.

5 **Sec. 2.** RCW 10.79.035 and 2014 c 93 s 3 are each amended to read
6 as follows:

7 (1) Any magistrate as defined by RCW 2.20.010, when satisfied
8 that there is probable cause, may ~~((+,+))~~, upon application supported
9 by oath or affirmation, issue a search warrant to search for and
10 seize any: (a) Evidence of a crime; (b) contraband, the fruits of
11 crime, or things otherwise criminally possessed; (c) weapons or other
12 things by means of which a crime has been committed or reasonably
13 appears about to be committed; ~~((+))~~ (d) person for whose arrest
14 there is probable cause or who is unlawfully restrained; or (e)
15 evidence that may aid in locating a missing endangered person.

16 (2) The application may be provided or transmitted to the
17 magistrate by telephone, email, or any other reliable method.

18 (3) If the magistrate finds that probable cause for the issuance
19 of a warrant exists, the magistrate must issue a warrant or direct an
20 individual whom the magistrate authorizes to affix the magistrate's
21 signature to a warrant identifying the property or person and naming
22 or describing the person, place, or thing to be searched. The
23 magistrate may communicate permission to affix the magistrate's
24 signature to the warrant by telephone, email, or any other reliable
25 method.

26 (4) The evidence in support of the finding of probable cause and
27 a record of the magistrate's permission to affix the magistrate's
28 signature to the warrant shall be preserved and shall be filed with
29 the issuing court as required by CrRLJ 2.3 or CrR 2.3.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.79
31 RCW to read as follows:

32 A court may consider the following nonexclusive list of factors
33 when asked to determine whether there is probable cause for a law
34 enforcement officer to perform community caretaking functions to help
35 locate a missing endangered person under RCW 9.73.260 when the
36 current whereabouts of the person is unknown:

37 (1) The person has a recent history of suicidal ideation;

1 (2) The person has an apparent lack of access to prescribed
2 medications;

3 (3) The person left behind personal items that one would expect
4 them to take if their disappearance was voluntary, such as
5 identification, money, financial access devices, cell phone, and
6 their regular means of transportation;

7 (4) The disappearance involves an unusual and unexplained absence
8 from work, school, or other regularly scheduled activity;

9 (5) The person is a minor who lacks the skills for long-term
10 self-care and safety;

11 (6) There is evidence to suggest the person is suffering a
12 significant mental health crisis leaving them unable to manage the
13 person's care and safety;

14 (7) The person was the primary caregiver for another person or
15 animal and they made no effort to arrange for a continuation of care;

16 (8) The location and conditions in the area where the person is
17 suspected to be located, combined with their available resources, are
18 not consistent with long-term survival;

19 (9) The person has a developmental disability as defined in RCW
20 71A.10.020;

21 (10) The person is a vulnerable adult as defined in RCW
22 74.34.020;

23 (11) The person is a minor for whom law enforcement can identify
24 multiple risk factors that are indicative that the minor is a current
25 victim of human trafficking or commercial sexual exploitation; or

26 (12) The person is believed to have Alzheimer's disease or other
27 age-related dementia that inhibits the person's ability to manage the
28 person's care and safety.

29 **Sec. 4.** RCW 13.60.010 and 2022 c 256 s 2 are each amended to
30 read as follows:

31 (1) The Washington state patrol shall establish a missing
32 children and endangered person clearinghouse which shall include the
33 maintenance and operation of a toll-free telephone hotline. The
34 clearinghouse shall distribute information to local law enforcement
35 agencies, school districts, the department of children, youth, and
36 families, and the general public regarding missing children and
37 endangered persons. The information shall include pictures,
38 bulletins, training sessions, reports, and biographical materials
39 that will assist in local law enforcement efforts to locate missing

1 children and endangered persons. The state patrol shall also maintain
2 a regularly updated computerized link with national and other
3 statewide missing person systems or clearinghouses, and within
4 existing resources, shall develop and implement a plan, commonly
5 known as an "amber alert plan" or an "endangered missing person
6 advisory plan" which includes (~~"silver alert" and~~) "ebony alert,"
7 "missing indigenous person alert," "silver alert," and "purple alert"
8 designations for voluntary cooperation between local, state, tribal,
9 and other law enforcement agencies, state government agencies, radio
10 and television stations, cable and satellite systems, and social
11 media pages and sites to enhance the public's ability to assist in
12 recovering abducted children and missing endangered persons
13 consistent with the state endangered missing person advisory plan.

14 (2) For the purposes of this chapter:

15 (a) "Child" or "children" means an individual under 18 years of
16 age.

17 (b) "Missing endangered person" means:

18 (i) A missing black person;

19 (ii) A missing indigenous woman or indigenous person; (~~or~~

20 ~~(iii)) (iii) A person who is believed to be in danger because of~~
21 ~~age(~~r~~); health(~~r~~, ~~mental~~ ~~or~~); physical, mental, or sensory~~
22 ~~disability(~~r~~, ~~in combination with environmental or weather~~~~
23 ~~conditions, ~~or~~); or suicidal ideation; and is believed to be unable~~
24 ~~to return to safety without assistance (~~and who is:~~~~

25 ~~(A))~~);

26 (iv) A missing person with a developmental disability as defined
27 in RCW 71A.10.020(~~(5))~~);

28 ~~((B)) (v) A missing vulnerable adult as defined in RCW~~
29 ~~74.34.020; or~~

30 ~~((C)) (vi) A missing person who has been diagnosed as having~~
31 ~~Alzheimer's disease or other age-related dementia.~~

32 (c) "Ebony alert" means the designated title of a missing
33 endangered person advisory that will be used on a variable message
34 sign and text of the highway advisory radio message when used as part
35 of an activated advisory to assist in the recovery of a missing black
36 person.

37 (d) "Physical, mental, or sensory disability" has the same
38 meaning as in RCW 74.29.010.

39 (e) "Missing indigenous person alert" means the designated title
40 of a missing endangered person advisory that will be used on a

1 variable message sign and text of the highway advisory radio message
2 when used as part of an activated advisory to assist in the recovery
3 of a missing indigenous person.

4 ~~((d))~~ (f) "Silver alert" means the designated title of a
5 missing endangered person advisory that will be used on a variable
6 message sign and text of the highway advisory radio message when used
7 as part of an activated advisory to assist in the recovery of a
8 missing endangered person age 60 or older.

9 (g) "Purple alert" means the designated title of a missing
10 endangered person advisory that will be used on a variable message
11 sign and text of the highway advisory radio message when used as part
12 of an activated advisory to assist in the recovery of a missing
13 person with a disability.

14 **Sec. 5.** RCW 42.56.240 and 2024 c 299 s 2 and 2024 c 298 s 21 are
15 each reenacted and amended to read as follows:

16 The following investigative, law enforcement, and crime victim
17 information is exempt from public inspection and copying under this
18 chapter:

19 (1) Specific intelligence information and specific investigative
20 records compiled by investigative, law enforcement, and penology
21 agencies, and state agencies vested with the responsibility to
22 discipline members of any profession, the nondisclosure of which is
23 essential to effective law enforcement or for the protection of any
24 person's right to privacy;

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

35 (3) Any records of investigative reports prepared by any state,
36 county, municipal, or other law enforcement agency pertaining to sex
37 offenses contained in chapter 9A.44 RCW or sexually violent offenses
38 as defined in RCW 71.09.020, which have been transferred to the

1 Washington association of sheriffs and police chiefs for permanent
2 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

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

7 (5)(a) Information revealing the specific details that describe
8 an alleged or proven child victim of sexual assault or commercial
9 sexual exploitation under age 18, or the identity or contact
10 information of an alleged or proven child victim of sexual assault or
11 commercial sexual exploitation who is under age 18. Identifying
12 information includes the child victim's name, addresses, location,
13 photograph, and in cases in which the child victim is a relative,
14 stepchild, or stepsibling of the alleged perpetrator, identification
15 of the relationship between the child and the alleged perpetrator.
16 Contact information includes phone numbers, email addresses, social
17 media profiles, and user names and passwords.

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

20 (6) Information contained in a local or regionally maintained
21 gang database as well as the statewide gang database referenced in
22 RCW 43.43.762;

23 (7) Data from the electronic sales tracking system established in
24 RCW 69.43.165;

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

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

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

38 (11) The identity of a state employee or officer who has in good
39 faith filed a complaint with an ethics board, as provided in RCW
40 42.52.410, or who has in good faith reported improper governmental

1 action, as defined in RCW 42.40.020, to the auditor or other public
2 official, as defined in RCW 42.40.020;

3 (12) The following security threat group information collected
4 and maintained by the department of corrections pursuant to RCW
5 72.09.745: (a) Information that could lead to the identification of a
6 person's security threat group status, affiliation, or activities;
7 (b) information that reveals specific security threats associated
8 with the operation and activities of security threat groups; and (c)
9 information that identifies the number of security threat group
10 members, affiliates, or associates;

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

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

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

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

25 (I) A patient is registered to receive treatment, receiving
26 treatment, waiting for treatment, or being transported in the course
27 of treatment; or

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

30 (B) Information that meets the definition of protected health
31 information for purposes of the health insurance portability and
32 accountability act of 1996 or health care information for purposes of
33 chapter 70.02 RCW;

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

36 (iii) An intimate image;

37 (iv) A minor;

38 (v) The body of a deceased person;

39 (vi) The identity of or communications from a victim or witness
40 of an incident involving domestic violence as defined in RCW

1 10.99.020 or sexual assault as defined in RCW 70.125.030, or
2 disclosure of intimate images as defined in RCW 9A.86.010. If at the
3 time of recording the victim or witness indicates a desire for
4 disclosure or nondisclosure of the recorded identity or
5 communications, such desire shall govern; or

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

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

11 (c) In a court action seeking the right to inspect or copy a body
12 worn camera recording, a person who prevails against a law
13 enforcement or corrections agency that withholds or discloses all or
14 part of a body worn camera recording pursuant to (a) of this
15 subsection is not entitled to fees, costs, or awards pursuant to RCW
16 42.56.550 unless it is shown that the law enforcement or corrections
17 agency acted in bad faith or with gross negligence.

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

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

21 (ii) Provide the incident or case number;

22 (iii) Provide the date, time, and location of the incident or
23 incidents; or

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

26 (e)(i) A person directly involved in an incident recorded by the
27 requested body worn camera recording, an attorney representing a
28 person directly involved in an incident recorded by the requested
29 body worn camera recording, a person or his or her attorney who
30 requests a body worn camera recording relevant to a criminal case
31 involving that person, or the executive director from either the
32 Washington state commission on African American affairs, Asian
33 Pacific American affairs, or Hispanic affairs, has the right to
34 obtain the body worn camera recording, subject to any exemption under
35 this chapter or any applicable law. In addition, an attorney who
36 represents a person regarding a potential or existing civil cause of
37 action involving the denial of civil rights under the federal or
38 state Constitution, or a violation of a United States department of
39 justice settlement agreement, has the right to obtain the body worn
40 camera recording if relevant to the cause of action, subject to any

1 exemption under this chapter or any applicable law. The attorney must
2 explain the relevancy of the requested body worn camera recording to
3 the cause of action and specify that he or she is seeking relief from
4 redaction costs under this subsection (14) (e).

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

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

15 (f) (i) A law enforcement or corrections agency responding to a
16 request to disclose body worn camera recordings may require any
17 requester not listed in (e) of this subsection to pay the reasonable
18 costs of redacting, altering, distorting, pixelating, suppressing, or
19 otherwise obscuring any portion of the body worn camera recording
20 prior to disclosure only to the extent necessary to comply with the
21 exemptions in this chapter or any applicable law.

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

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

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

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

38 (ii) "Intimate image" means an individual or individuals engaged
39 in sexual activity, including sexual intercourse as defined in RCW
40 9A.44.010 and masturbation, or an individual's intimate body parts,

1 whether nude or visible through less than opaque clothing, including
2 the genitals, pubic area, anus, or postpubescent female nipple.

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

7 (i) Nothing in this section is intended to modify the obligations
8 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,
9 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*
10 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and
11 the relevant Washington court criminal rules and statutes.

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

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

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

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

22 (i) The survivor consents to inspection or copying;

23 (ii) There is a clear, imminent risk of serious physical injury
24 or death of the survivor or another person;

25 (iii) Inspection or copying is required by federal law; or

26 (iv) A court of competent jurisdiction mandates that the record
27 be available for inspection or copying.

28 (c) "Campus-affiliated advocate" and "survivor" have the
29 definitions in RCW 28B.112.030;

30 (17) Information and records prepared, owned, used, or retained
31 by the Washington association of sheriffs and police chiefs and
32 information and records prepared, owned, used, or retained by the
33 Washington state patrol pursuant to chapter 261, Laws of 2017;

34 (18) Any and all audio or video recordings of child forensic
35 interviews as defined in chapter 26.44 RCW. Such recordings are
36 confidential and may only be disclosed pursuant to a court order
37 entered upon a showing of good cause and with advance notice to the
38 child's parent, guardian, or legal custodian. However, if the child
39 is an emancipated minor or has attained the age of majority as
40 defined in RCW 26.28.010, advance notice must be to the child.

1 Failure to disclose an audio or video recording of a child forensic
2 interview as defined in chapter 26.44 RCW is not grounds for
3 penalties or other sanctions available under this chapter; (~~and~~)

4 (19) Information exempt from public disclosure and copying under
5 RCW 43.10.305(2)(f); and

6 (20)(a) Information obtained by a law enforcement officer in the
7 course of the officer's official duties during a missing endangered
8 person investigation, under the following conditions:

9 (i) The investigation is ongoing; or

10 (ii) Nondisclosure of the information is necessary to protect the
11 missing endangered person's life, physical safety, privacy, or
12 property. The determination that the missing endangered person's
13 life, physical safety, privacy, or property will not be impacted by
14 the disclosure of the information shall only occur after consulting
15 with the missing endangered person.

16 (b) "Missing endangered person" has the same meaning as in RCW
17 13.60.010.

18 **Sec. 6.** RCW 36.28A.110 and 2007 c 10 s 3 are each amended to
19 read as follows:

20 The Washington (~~association of sheriffs and police chiefs~~)
21 state patrol shall create and maintain a statewide missing persons
22 website, which shall be available to the public. The website shall
23 post relevant information concerning persons reported missing in the
24 state of Washington. For missing persons, the website (~~shall~~) may
25 contain, but is not limited to: The person's name, physical
26 description, photograph, and other information that is deemed
27 necessary according to the adopted protocols. This website shall
28 allow citizens to more broadly disseminate information regarding
29 missing persons for at least thirty days.

30 **Sec. 7.** RCW 36.28A.112 and 2020 c 45 s 4 are each amended to
31 read as follows:

32 (~~When funded~~) Subject to the availability of funds appropriated
33 for this purpose, the Washington (~~association of sheriffs and police~~
34 ~~chiefs~~) state patrol must regularly transmit information contained
35 within the statewide missing persons website created pursuant to RCW
36 36.28A.110 (as recodified by this act) to the national missing and
37 unidentified persons system created by the United States department
38 of justice's national institute of justice.

1 **Sec. 8.** RCW 36.28A.120 and 2007 c 10 s 4 are each amended to
2 read as follows:

3 The Washington state patrol shall establish an interface with
4 local law enforcement and the (~~Washington association of sheriffs~~
5 ~~and police chiefs~~) statewide missing persons website created
6 pursuant to RCW 36.28A.110 (as recodified by this act), the toll-free
7 twenty-four hour hotline, and national and other statewide missing
8 persons systems or clearinghouses.

9 Local law enforcement agencies shall file an official missing
10 persons report and enter biographical information into the state
11 missing persons computerized network without delay after notification
12 of a missing person's report is received (~~under this chapter~~).

13 **Sec. 9.** RCW 74.04.062 and 2024 c 208 s 1 are each amended to
14 read as follows:

15 (1)(a) Upon written request of a person who has been properly
16 identified as an officer of the law or a properly identified United
17 States immigration official the department or authority shall
18 disclose to such officer the current address and location of a
19 recipient of public welfare if the officer furnishes the department
20 or authority with such person's name and social security account
21 number and satisfactorily demonstrates that such recipient is a
22 fugitive, that the location or apprehension of such fugitive is
23 within the officer's official duties, and that the request is made in
24 the proper exercise of those duties.

25 (b) When the department or authority becomes aware that a public
26 assistance recipient is the subject of an outstanding warrant, the
27 department or authority may contact the appropriate law enforcement
28 agency and, if the warrant is valid, provide the law enforcement
29 agency with the location of the recipient.

30 (2) To the extent allowed under federal law, upon written request
31 of a law enforcement officer from a state, local, or tribal law
32 enforcement agency, the department or authority shall disclose to
33 such officer whether the recipient has accessed his or her public
34 assistance benefits in the last 30 days for the purpose of assisting
35 the officer in confirming whether the recipient is alive if the
36 recipient is the subject of a missing person's report as described in
37 RCW 36.28A.120 (as recodified by this act). For purposes of this
38 section, "law enforcement officer" and "law enforcement agency" have
39 the same meaning as defined in RCW 10.122.020.

1 NEW SECTION. **Sec. 10.** RCW 36.28A.110, 36.28A.112, and
2 36.28A.120 are each recodified as sections in chapter 43.43 RCW.

--- **END** ---