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**SECOND SUBSTITUTE SENATE BILL 6070**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Dhingra, Nobles, Bateman, Kauffman, Lias, 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; ~~((or))~~ (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 person with a developmental disability as defined in RCW  
27 71A.10.020(~~(5))~~);

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

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

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

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

38 (e) "Missing indigenous person alert" means the designated title  
39 of a missing endangered person advisory that will be used on a  
40 variable message sign and text of the highway advisory radio message

1 when used as part of an activated advisory to assist in the recovery  
2 of a missing indigenous person.

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

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

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

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

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

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

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

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

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

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

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

21 (7) Data from the electronic sales tracking system established in  
22 RCW 69.43.165;

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

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

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

36 (11) The identity of a state employee or officer who has in good  
37 faith filed a complaint with an ethics board, as provided in RCW  
38 42.52.410, or who has in good faith reported improper governmental  
39 action, as defined in RCW 42.40.020, to the auditor or other public  
40 official, as defined in RCW 42.40.020;

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

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

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

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

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

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

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

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

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

34 (iii) An intimate image;

35 (iv) A minor;

36 (v) The body of a deceased person;

37 (vi) The identity of or communications from a victim or witness  
38 of an incident involving domestic violence as defined in RCW  
39 10.99.020 or sexual assault as defined in RCW 70.125.030, or  
40 disclosure of intimate images as defined in RCW 9A.86.010. If at the

1 time of recording the victim or witness indicates a desire for  
2 disclosure or nondisclosure of the recorded identity or  
3 communications, such desire shall govern; or

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

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

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

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

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

19 (ii) Provide the incident or case number;

20 (iii) Provide the date, time, and location of the incident or  
21 incidents; or

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

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

1 the cause of action and specify that he or she is seeking relief from  
2 redaction costs under this subsection (14) (e).

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

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

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

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

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

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

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

36 (ii) "Intimate image" means an individual or individuals engaged  
37 in sexual activity, including sexual intercourse as defined in RCW  
38 9A.44.010 and masturbation, or an individual's intimate body parts,  
39 whether nude or visible through less than opaque clothing, including  
40 the genitals, pubic area, anus, or postpubescent female nipple.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 interview as defined in chapter 26.44 RCW is not grounds for  
2 penalties or other sanctions available under this chapter; ~~((and))~~

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

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

8 (i) The investigation is ongoing; or

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

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

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

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

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

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