
SENATE BILL 6070

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By Senators Dhingra, Nobles, Bateman, Kauffman, Lias, Lovelett, Orwall, Saldaña, Slatter, Trudeau, Valdez, and C. Wilson

Read first time 01/13/26. Referred to Committee on Law & Justice.

1 AN ACT Relating to supporting the recovery of missing persons;
2 amending RCW 9.73.260, 10.79.035, and 13.60.010; reenacting and
3 amending RCW 42.56.240; and adding a new section to chapter 10.79
4 RCW.

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

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

8 (1) As used in this section:

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

18 (b) "Electronic communication" means any transfer of signs,
19 signals, writing, images, sounds, data, or intelligence of any nature
20 transmitted in whole or in part by a wire, radio, electromagnetic,
21 photoelectronic, or photo-optical system, but does not include:

1 (i) Any wire or oral communication;
2 (ii) Any communication made through a tone-only paging device; or
3 (iii) Any communication from a tracking device, but solely to the
4 extent the tracking device is owned by the applicable law enforcement
5 agency.

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

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

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

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

1 site simulator device does not include any device used or installed
2 by an electric utility, as defined in RCW 19.280.020, solely to the
3 extent such device is used by that utility to measure electrical
4 usage, to provide services to customers, or to operate the electric
5 grid.

6 (g) "Missing endangered person" has the same meaning as in RCW
7 13.60.010.

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

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

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

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

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

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

8 (i) The person who is the subject of the criminal investigation;
9 or

10 (ii) The missing endangered person;

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

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

34 (d) A statement of the offense or a description of the missing
35 endangered person to which the information likely to be obtained by
36 the pen register, trap and trace device, or cell site simulator
37 device relates.

38 The order shall direct, if the applicant has requested, the
39 furnishing of information, facilities, and technical assistance
40 necessary to accomplish the installation of the pen register, trap

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

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

28 (5) Upon the presentation of an order, entered under subsection
29 (4) of this section, by an officer of a law enforcement agency
30 authorized to install and use a pen register under this chapter, a
31 provider of wire or electronic communication service, landlord,
32 custodian, or other person shall furnish such law enforcement officer
33 forthwith all information, facilities, and technical assistance
34 necessary to accomplish the installation of the pen register
35 unobtrusively and with a minimum of interference with the services
36 that the person so ordered by the court accords the party with
37 respect to whom the installation and use is to take place, if such
38 assistance is directed by a court order as provided in subsection (4)
39 of this section.

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

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

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

32 (6) (a) Notwithstanding any other provision of this chapter, a law
33 enforcement officer and a prosecuting attorney or deputy prosecuting
34 attorney who jointly and reasonably determine in an ongoing criminal
35 investigation, or a law enforcement officer who reasonably determines
36 in a missing endangered person case, that there is probable cause to
37 believe that an emergency situation exists that involves immediate
38 danger of death or serious bodily injury to any person that requires
39 the installation and use of a pen register, trap and trace device, or
40 cell site simulator device before an order authorizing such

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

30 (b) A law enforcement agency that authorizes the installation of
31 a pen register, trap and trace device, or cell site simulator device
32 under this subsection (6) shall file a monthly report with the
33 administrator for the courts. The report shall indicate the number of
34 authorizations made, the date and time of each authorization, whether
35 a court authorization was sought within (~~forty-eight~~) 48 hours, and
36 whether a subsequent court authorization was granted.

37 (c) A law enforcement agency authorized to use a cell site
38 simulator device in accordance with this section must: (i) Take all
39 steps necessary to limit the collection of any information or
40 metadata to the target specified in the applicable court order; (ii)

1 take all steps necessary to permanently delete any information or
2 metadata collected from any party not specified in the applicable
3 court order immediately following such collection and must not
4 transmit, use, or retain such information or metadata for any purpose
5 whatsoever; and (iii) delete any information or metadata collected
6 from the target specified in the court order within (~~thirty~~) 30
7 days if there is no longer probable cause to support the belief that
8 such information or metadata is evidence of a crime.

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

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

31 (b) The court shall not issue an order for the installation and
32 use of pen registers, trap and trace devices, and cell site simulator
33 devices for the purpose of investigating or recovering evidence that
34 relates to an investigation that alleges criminal liability for the
35 provision, receipt, attempted provision or receipt, assistance in the
36 provision or receipt, or attempted assistance in the provision or
37 receipt of protected health care services as defined in RCW 7.115.010
38 that are lawful in the state of Washington.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (9) The person has a developmental disability as defined in RCW
14 71A.10.020;

15 (10) The person is a vulnerable adult as defined in RCW
16 74.34.020;

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

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

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

25 (1) The Washington state patrol shall establish a missing
26 children and endangered person clearinghouse which shall include the
27 maintenance and operation of a toll-free telephone hotline. The
28 clearinghouse shall distribute information to local law enforcement
29 agencies, school districts, the department of children, youth, and
30 families, and the general public regarding missing children and
31 endangered persons. The information shall include pictures,
32 bulletins, training sessions, reports, and biographical materials
33 that will assist in local law enforcement efforts to locate missing
34 children and endangered persons. The state patrol shall also maintain
35 a regularly updated computerized link with national and other
36 statewide missing person systems or clearinghouses, and within
37 existing resources, shall develop and implement a plan, commonly
38 known as an "amber alert plan" or an "endangered missing person
39 advisory plan" which includes (~~"silver alert"~~ and) "ebony alert,"

1 "missing indigenous person alert," "silver alert," and "purple alert"
2 designations for voluntary cooperation between local, state, tribal,
3 and other law enforcement agencies, state government agencies, radio
4 and television stations, cable and satellite systems, and social
5 media pages and sites to enhance the public's ability to assist in
6 recovering abducted children and missing endangered persons
7 consistent with the state endangered missing person advisory plan.

8 (2) For the purposes of this chapter:

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

11 (b) "Missing endangered person" means:

12 (i) A missing black person;

13 (ii) A missing indigenous woman or indigenous person; ((~~or~~
14 ~~(ii)~~) (iii) A person who is believed to be in danger because of
15 age(~~(r)~~); health(~~(r, mental or)~~); physical, mental, or sensory
16 disability(~~(r, in combination with environmental or weather~~
17 conditions, ~~or~~); or suicidal ideation; and is believed to be unable
18 to return to safety without assistance ((~~and who is:~~
19 ~~(A)~~));

20 (iv) A person with a developmental disability as defined in RCW
21 71A.10.020(~~(5)~~);

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

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

25 (c) "Ebony alert" means the designated title of a missing
26 endangered person advisory that will be used on a variable message
27 sign and text of the highway advisory radio message when used as part
28 of an activated advisory to assist in the recovery of a missing black
29 person.

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

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

37 (~~(d)~~) (f) "Silver alert" means the designated title of a
38 missing endangered person advisory that will be used on a variable
39 message sign and text of the highway advisory radio message when used

1 as part of an activated advisory to assist in the recovery of a
2 missing endangered person age 60 or older.

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

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

10 The following investigative, law enforcement, and crime victim
11 information is exempt from public inspection and copying under this
12 chapter:

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

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

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

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

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

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

14 (6) Information contained in a local or regionally maintained
15 gang database as well as the statewide gang database referenced in
16 RCW 43.43.762;

17 (7) Data from the electronic sales tracking system established in
18 RCW 69.43.165;

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

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

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

32 (11) The identity of a state employee or officer who has in good
33 faith filed a complaint with an ethics board, as provided in RCW
34 42.52.410, or who has in good faith reported improper governmental
35 action, as defined in RCW 42.40.020, to the auditor or other public
36 official, as defined in RCW 42.40.020;

37 (12) The following security threat group information collected
38 and maintained by the department of corrections pursuant to RCW
39 72.09.745: (a) Information that could lead to the identification of a
40 person's security threat group status, affiliation, or activities;

1 (b) information that reveals specific security threats associated
2 with the operation and activities of security threat groups; and (c)
3 information that identifies the number of security threat group
4 members, affiliates, or associates;

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

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

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

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

19 (I) A patient is registered to receive treatment, receiving
20 treatment, waiting for treatment, or being transported in the course
21 of treatment; or

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

24 (B) Information that meets the definition of protected health
25 information for purposes of the health insurance portability and
26 accountability act of 1996 or health care information for purposes of
27 chapter 70.02 RCW;

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

30 (iii) An intimate image;

31 (iv) A minor;

32 (v) The body of a deceased person;

33 (vi) The identity of or communications from a victim or witness
34 of an incident involving domestic violence as defined in RCW
35 10.99.020 or sexual assault as defined in RCW 70.125.030, or
36 disclosure of intimate images as defined in RCW 9A.86.010. If at the
37 time of recording the victim or witness indicates a desire for
38 disclosure or nondisclosure of the recorded identity or
39 communications, such desire shall govern; or

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

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

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

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

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

16 (ii) Provide the incident or case number;

17 (iii) Provide the date, time, and location of the incident or
18 incidents; or

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

21 (e)(i) A person directly involved in an incident recorded by the
22 requested body worn camera recording, an attorney representing a
23 person directly involved in an incident recorded by the requested
24 body worn camera recording, a person or his or her attorney who
25 requests a body worn camera recording relevant to a criminal case
26 involving that person, or the executive director from either the
27 Washington state commission on African American affairs, Asian
28 Pacific American affairs, or Hispanic affairs, has the right to
29 obtain the body worn camera recording, subject to any exemption under
30 this chapter or any applicable law. In addition, an attorney who
31 represents a person regarding a potential or existing civil cause of
32 action involving the denial of civil rights under the federal or
33 state Constitution, or a violation of a United States department of
34 justice settlement agreement, has the right to obtain the body worn
35 camera recording if relevant to the cause of action, subject to any
36 exemption under this chapter or any applicable law. The attorney must
37 explain the relevancy of the requested body worn camera recording to
38 the cause of action and specify that he or she is seeking relief from
39 redaction costs under this subsection (14)(e).

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

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

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

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

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

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

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

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

39 (h) Nothing in this subsection shall be construed to restrict
40 access to body worn camera recordings as otherwise permitted by law

1 for official or recognized civilian and accountability bodies or
2 pursuant to any court order.

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

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

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

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

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

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

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

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

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

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

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

30 (18) Any and all audio or video recordings of child forensic
31 interviews as defined in chapter 26.44 RCW. Such recordings are
32 confidential and may only be disclosed pursuant to a court order
33 entered upon a showing of good cause and with advance notice to the
34 child's parent, guardian, or legal custodian. However, if the child
35 is an emancipated minor or has attained the age of majority as
36 defined in RCW 26.28.010, advance notice must be to the child.
37 Failure to disclose an audio or video recording of a child forensic
38 interview as defined in chapter 26.44 RCW is not grounds for
39 penalties or other sanctions available under this chapter; (~~and~~)

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

3 (20)(a) Information obtained by a law enforcement officer in the
4 course of the officer's official duties during a missing endangered
5 person investigation where nondisclosure of the information is
6 necessary to protect any person's life, physical safety, or property
7 and the person has not consented to the disclosure.

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

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