

HOUSE BILL REPORT

SB 5184

As Passed House:

March 30, 2009

Title: An act relating to evaluating the need for a digital forensic crime lab.

Brief Description: Evaluating the need for a digital forensic crime lab.

Sponsors: Senators Brandland, Hobbs, McAuliffe, Regala, Stevens, Pflug, Hewitt, King, Swecker and Roach; by request of Attorney General.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 3/17/09 [DP].

Floor Activity

Passed House: 3/30/09, 97-0.

Brief Summary of Bill

- Requires the Washington State Patrol and the Office of the Attorney General to convene a workgroup to study the need for a virtual digital forensic lab in Washington.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

Staff: Yvonne Walker (786-7841)

Background:

The Washington State Patrol (WSP) is a general authority Washington law enforcement agency. Its primary function is the detection and apprehension of persons committing infractions or violating the traffic or criminal laws. The WSP Forensic Laboratory provides a wide range of forensic science expertise to city, county, and state law enforcement officers, assisting agencies at crime scenes, preparing evidence for trial, and providing expert

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testimony. The WSP hosts the only digital forensics lab in Washington. Digital forensics involves the collection, preservation, and examination of evidence that is stored or transmitted from computers or other digital devices.

The Office of the Attorney General (AG) is generally responsible for representing the state in all cases in which the state is interested, defending actions against any state employee acting in his official capacity, and instituting and prosecuting all actions and proceedings that may be necessary in the execution of the duties of any state officer.

Summary of Bill:

The WSP and the AG must convene a workgroup to study the need for a virtual digital forensic lab. The workgroup's study must include reviewing and evaluating the costs and effectiveness of state-of-the-art technologies used by digital forensic labs in other states. The workgroup must also consider the advantages and disadvantages of regional and centralized digital forensic labs, and the merits of staffing such labs exclusively with uniformed officers or a mix of law enforcement and civilian personnel. The workgroup must seek input from the computer software industry and representatives of existing digital forensic labs to determine how to:

- best centralize forensic analysis of electronic devices and computers;
- expedite the review of digital forensic evidence;
- increase the expertise of forensic examiners;
- allow investigating officers to conduct basic searches for information and images remotely; and
- consolidate the custody of all digital forensic evidence in a central repository so that it may be remotely accessed by law enforcement agencies.

The workgroup must report on its recommendations regarding the establishment of a virtual digital forensic lab to the Legislature by October 30, 2009.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The whole issue around computer forensics is complicated. Today's computer-related crimes are becoming so commonplace that they are often difficult to prove especially when it comes to premeditated cases. As a matter of fact, the criminal rings involved in organized crimes, human trafficking, drug and firearm crimes, credit card thefts, etc., have become very sophisticated over the years. Computers can often provide that extra evidence needed to close a case. However, currently there are only a handful of analysts in this state that can do digital forensic analysis or even decipher a Mac computer or any other media that can hold digital evidence.

This digital forensics crime lab being studied in this bill would not just relate to child pornography cases but it would encompass every crime that has potential digital evidence. It would help get dangerous predators off the street. It is necessary for the state and our crime labs to keep up with the latest technology.

State dollars are short but there is a piece of federal legislation known as the "Protect Our Children Act of 2008" that has been funded in the federal stimulus package. This federal legislation will provide an opportunity for the AG and the WSP to seek grant funding.

(Opposed) None.

Persons Testifying: Senator Brandland, prime sponsor; Hunter Goodman and Lana Weinmann, Office of the Attorney General; Lisa Johnson, King County Prosecuting Office and Washington Association of Prosecuting Attorneys; and Linda Criddle, Look Both Ways.

Persons Signed In To Testify But Not Testifying: None.