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SENATE BILL 5436

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State of Washington                      63rd Legislature                      2013 Regular Session

By Senators Pearson, Darneille, and Carrell

Read first time 01/30/13. Referred to Committee on Law & Justice.

1            AN ACT Relating to making specific prosecution and defense  
2 documents and materials exempt from public inspection and copying; and  
3 amending RCW 42.56.240.

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

5            **Sec. 1.** RCW 42.56.240 and 2012 c 88 s 1 are each amended to read  
6 as follows:

7            The following investigative, law enforcement, and crime victim  
8 information is exempt from public inspection and copying under this  
9 chapter:

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

16            (2) Information revealing the identity of persons who are witnesses  
17 to or victims of crime or who file complaints with investigative, law  
18 enforcement, or penology agencies, other than the commission, if  
19 disclosure would endanger any person's life, physical safety, or

1 property. If at the time a complaint is filed the complainant, victim,  
2 or witness indicates a desire for disclosure or nondisclosure, such  
3 desire shall govern. However, all complaints filed with the commission  
4 about any elected official or candidate for public office must be made  
5 in writing and signed by the complainant under oath;

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

12 (4) License applications under RCW 9.41.070; copies of license  
13 applications or information on the applications may be released to law  
14 enforcement or corrections agencies;

15 (5) Information revealing the identity of child victims of sexual  
16 assault who are under age eighteen. Identifying information means the  
17 child victim's name, address, location, photograph, and in cases in  
18 which the child victim is a relative or stepchild of the alleged  
19 perpetrator, identification of the relationship between the child and  
20 the alleged perpetrator;

21 (6) The statewide gang database referenced in RCW 43.43.762;

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

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

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

34 (10) Victim impact statements as defined or described in Article I,  
35 section 35 of the state Constitution and RCW 7.69.020 and 7.69.030; and

36 (11) Documents and other materials provided by the attorney for the  
37 defendant, or by the defendant when acting pro se, to the prosecuting  
38 attorney, including but not limited to, documents and other materials

1 provided during communications or discussions described under RCW  
2 9.94A.421 or 9.94A.460, proceedings under RCW 9.94A.660, 9.94A.655,  
3 9.94A.670, or 10.95.040 through 10.95.060, or similar exchanges or  
4 communications described in court rules.

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