

SHB 1094 - H AMD 116

By Representative Morris

ADOPTED 03/04/2015

1 On page 1, line 18, after "disclosure" strike "of" and insert "to"

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3 On page 2, line 7, after "made" strike "by or"

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5 On page 2, line 16, after "permissible" strike "as required"

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7 On page 2, line 18, after "authority," strike "particularly"

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9 On page 2, beginning on line 32, strike all of subsection (4)  
10 and insert the following:

11 "(4) For purposes of this section, the following definitions  
12 apply unless the context clearly requires otherwise:

13 (a) "Biometric identifier" means a characteristic, whether  
14 biological, behavioral, or both, that uniquely identifies and  
15 enables automated recognition of an individual, including but not  
16 limited to fingerprints, DNA, hand geometry, palm print, and iris  
17 scan. "Biometric identifier" also includes less sensitive  
18 identifiers including, but not limited to, facial imaging, voice,  
19 and gait, only when used for automated identification purposes.  
20 Video surveillance and photographs derived from biometric  
21 identifiers are not considered biometric identifiers.

22 (b) "Consent" means an authorization by an individual, given  
23 after the individual has received clear and conspicuous notice in  
24 writing of the purposes for which the biometric identifier may be  
25 disclosed."

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27 On page 3, after line 8, insert the following:

1 "(6) Nothing in this act shall be construed to expand or limit the  
2 authority of a Washington state law enforcement officer acting within  
3 the scope of his or her authority, including, but not limited to,  
4 executing lawful searches and seizures."

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6 Renumber the remaining subsection(s) consecutively and correct any  
7 internal references accordingly.

EFFECT:

- Defines consent for the purposes of capture and disclosure of an individual's biometric identifier.
- Clarifies that video surveillance and photographs are not biometric identifiers.
- States that nothing in this act shall be construed to expand or limit the authority of a Washington state law enforcement officer acting within the scope of his or her authority, including, but not limited to executing lawful searches and seizures.
- Clarifies that disclosure of a biometric identifier is permitted when made to, not by and to, a law enforcement agency for a law enforcement purpose in response to a warrant and makes other housekeeping language changes.

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