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**HOUSE BILL 1024**

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**State of Washington****67th Legislature****2021 Regular Session****By** Representatives Springer and Cody

Prefiled 12/15/20.

1       AN ACT Relating to sunshine committee recommendations regarding  
2 juveniles; amending RCW 7.69A.020, 7.69A.030, 10.97.130, 13.50.050,  
3 and 42.56.240; and reenacting and amending RCW 42.56.230.

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

5       **Sec. 1.** RCW 7.69A.020 and 1993 c 350 s 7 are each amended to  
6 read as follows:

7       Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9       (1) "Crime" means an act punishable as a felony, gross  
10 misdemeanor, or misdemeanor under the laws of this state or  
11 equivalent federal or local law.

12       (2) "Child" means any ((living)) child under the age of eighteen  
13 years.

14       (3) "Victim" means a ((living)) person against whom a crime has  
15 been committed.

16       (4) "Witness" means a person who has been or is expected to be  
17 summoned to testify for the prosecution in a criminal action, or who  
18 by reason of having relevant information is subject to call or likely  
19 to be called as a witness for the prosecution, whether or not an  
20 action or proceeding has been commenced.

21       (5) "Family member" means child, parent, or legal guardian.

1       (6) "Advocate" means any person, including a family member not  
2 accused of a crime, who provides support to a child victim or child  
3 witness during any legal proceeding.

4       (7) "Court proceedings" means any court proceeding conducted  
5 during the course of the prosecution of a crime committed against a  
6 child victim, including pretrial hearings, trial, sentencing, or  
7 appellate proceedings.

8       (8) "Identifying information" means the child's name, address,  
9 telephone number, email address, social media identifier, image,  
10 voice, location((, and photograph, and in cases in which the child is  
11 a relative or stepchild of the alleged perpetrator, identification  
12 of the child (except the location of the assault when it is not  
13 the child's address), and the surname of the child's parent if it is  
14 the same as the child's and the parent is not the alleged  
15 perpetrator. In cases where the child victim is a victim of sexual  
16 assault, "identifying information" also includes the relationship  
17 between the child and the alleged perpetrator when the alleged  
18 perpetrator is a relative or step relative of the child victim.

19       (9) "Crime victim/witness program" means any crime victim and  
20 witness program of a county or local law enforcement agency or  
21 prosecutor's office, any rape crisis center's sexual assault victim  
22 advocacy program as provided in chapter 70.125 RCW, any domestic  
23 violence program's legal and community advocate program for domestic  
24 violence victims as provided in chapter 70.123 RCW, or any other  
25 crime victim advocacy program which provides trained advocates to  
26 assist crime victims during the investigation and prosecution of the  
27 crime.

28       **Sec. 2.** RCW 7.69A.030 and 2004 c 120 s 9 are each amended to  
29 read as follows:

30       In addition to the rights of victims and witnesses provided for  
31 in RCW 7.69.030, there shall be every reasonable effort made by law  
32 enforcement agencies, prosecutors, and judges to assure that child  
33 victims and witnesses are afforded the rights enumerated in this  
34 section. Except as provided in RCW 7.69A.050 regarding child victims  
35 or child witnesses of violent crimes, sex crimes, or child abuse, the  
36 enumeration of rights shall not be construed to create substantive  
37 rights and duties, and the application of an enumerated right in an  
38 individual case is subject to the discretion of the law enforcement  
39 agency, prosecutor, or judge. Child victims and witnesses have the

1 following rights, which apply to any criminal court and/or juvenile  
2 court proceeding:

3 (1) To have explained in language easily understood by the child,  
4 all legal proceedings and/or police investigations in which the child  
5 may be involved.

6 (2) With respect to child victims of sex or violent crimes or  
7 child abuse, to have a crime victim advocate from a crime victim/  
8 witness program, or any other support person of the victim's  
9 choosing, present at any prosecutorial or defense interviews with the  
10 child victim. This subsection applies if practical and if the  
11 presence of the crime victim advocate or support person does not  
12 cause any unnecessary delay in the investigation or prosecution of  
13 the case. The role of the crime victim advocate is to provide  
14 emotional support to the child victim and to promote the child's  
15 feelings of security and safety.

16 (3) To be provided, whenever possible, a secure waiting area  
17 during court proceedings and to have an advocate or support person  
18 remain with the child prior to and during any court proceedings.

19 (4) To ~~((not have the names, addresses, nor photographs of the~~  
20 ~~living)) exempt from public disclosure under chapter 42.56 RCW,~~  
21 identifying information as defined in RCW 7.69A.020, of a child  
22 victim or witness, and to not have identifying information disclosed  
23 by any law enforcement agency, prosecutor's office, or state agency  
24 without the permission of the child victim, child witness, parents,  
25 or legal guardians to anyone except another law enforcement agency,  
26 prosecutor, defense counsel, or private or governmental agency that  
27 provides services to the child victim or witness.

28 (5) To allow an advocate to make recommendations to the  
29 prosecuting attorney about the ability of the child to cooperate with  
30 prosecution and the potential effect of the proceedings on the child.

31 (6) To allow an advocate to provide information to the court  
32 concerning the child's ability to understand the nature of the  
33 proceedings.

34 (7) To be provided information or appropriate referrals to social  
35 service agencies to assist the child and/or the child's family with  
36 the emotional impact of the crime, the subsequent investigation, and  
37 judicial proceedings in which the child is involved.

38 (8) To allow an advocate to be present in court while the child  
39 testifies in order to provide emotional support to the child.

1       (9) To provide information to the court as to the need for the  
2 presence of other supportive persons at the court proceedings while  
3 the child testifies in order to promote the child's feelings of  
4 security and safety.

5       (10) To allow law enforcement agencies the opportunity to enlist  
6 the assistance of other professional personnel such as child  
7 protection services, victim advocates or prosecutorial staff trained  
8 in the interviewing of the child victim.

9       (11) With respect to child victims of violent or sex crimes or  
10 child abuse, to receive either directly or through the child's parent  
11 or guardian if appropriate, at the time of reporting the crime to law  
12 enforcement officials, a written statement of the rights of child  
13 victims as provided in this chapter. The written statement shall  
14 include the name, address, and telephone number of a county or local  
15 crime victim/witness program, if such a crime victim/witness program  
16 exists in the county.

17       **Sec. 3.** RCW 10.97.130 and 2019 c 300 s 2 are each amended to  
18 read as follows:

19       (1) Information revealing the specific details that describe the  
20 alleged or proven child victim of sexual assault under age eighteen,  
21 or the identity or contact information of an alleged or proven child  
22 victim under age eighteen is confidential and not subject to release  
23 to the press or public without the permission of the child victim and  
24 the child's legal guardian. Identifying information ((includes the  
25 child victim's name, addresses, location, photographs, and in cases  
26 in which the child victim is a relative, stepchild, or stepsibling of  
27 the alleged perpetrator, identification of the relationship between  
28 the child and the alleged perpetrator)) is defined in RCW 7.69A.020.  
29 Contact information includes phone numbers, email addresses, social  
30 media profiles, and user names and passwords. Contact information or  
31 information identifying the child victim of sexual assault may be  
32 released to law enforcement, prosecutors, judges, defense attorneys,  
33 or private or governmental agencies that provide services to the  
34 child victim of sexual assault. Prior to release of any criminal  
35 history record information, the releasing agency shall delete any  
36 contact information or information identifying a child victim of  
37 sexual assault from the information except as provided in this  
38 section.

1       (2) This section does not apply to court documents or other  
2 materials admitted in open judicial proceedings.

3       **Sec. 4.**   RCW 13.50.050 and 2014 c 175 s 3 are each amended to  
4 read as follows:

5       (1) This section and RCW 13.50.260 and 13.50.270 govern records  
6 relating to the commission of juvenile offenses, including records  
7 relating to diversions.

8       (2) The official juvenile court file of any alleged or proven  
9 juvenile offender shall be open to public inspection, unless sealed  
10 pursuant to RCW 13.50.260.

11       (3) All records other than the official juvenile court file are  
12 confidential and may be released only as provided in this  
13 chapter~~((r))~~ and RCW 13.40.215 and 4.24.550.

14       (4) Except as otherwise provided in this chapter, records  
15 retained or produced by any juvenile justice or care agency may be  
16 released to other participants in the juvenile justice or care system  
17 only when an investigation or case involving the juvenile in question  
18 is being pursued by the other participant or when that other  
19 participant is assigned the responsibility for supervising the  
20 juvenile.

21       (5) Except as provided in RCW 4.24.550, information not in an  
22 official juvenile court file concerning a juvenile or a juvenile's  
23 family may be released to the public only when that information could  
24 not reasonably be expected to identify the juvenile or the juvenile's  
25 family.

26       (6) Notwithstanding any other provision of this chapter, ~~((the~~  
27 ~~release, to the juvenile or his or her attorney, of))~~ law enforcement  
28 and prosecuting attorneys' records pertaining to investigation,  
29 diversion, and prosecution of juvenile offenses ~~((shall be governed~~  
30 ~~by the rules of discovery and other rules of law applicable in adult~~  
31 ~~criminal investigations and prosecutions))~~ must be released to the  
32 juvenile offender or his or her attorney, parent, or legal guardian  
33 upon request.

34       (7) ~~((Upon the decision to arrest or the arrest, law enforcement~~  
35 ~~and prosecuting attorneys may cooperate with schools in releasing~~  
36 ~~information to a school pertaining to the investigation, diversion,~~  
37 ~~and prosecution of a juvenile attending the school.))~~ Upon the  
38 decision to arrest or the arrest, unredacted incident reports may be  
39 released to a school, unless ~~((releasing the records would~~

1 ~~jeopardize)) redaction is necessary to avoid jeopardizing the~~  
2 ~~investigation or prosecution or ((endanger)) endangering witnesses((~~  
3 ~~If release of incident reports would jeopardize the investigation or~~  
4 ~~prosecution or endanger witnesses, law enforcement and prosecuting~~  
5 ~~attorneys may release information to the maximum extent possible to~~  
6 ~~assist schools in protecting)), other students, staff, ((and)) or~~  
7 school property.

8 (8) The juvenile court and the prosecutor may set up and maintain  
9 a central recordkeeping system which may receive information on all  
10 alleged juvenile offenders against whom a complaint has been filed  
11 pursuant to RCW 13.40.070 whether or not their cases are currently  
12 pending before the court. The central recordkeeping system may be  
13 computerized. If a complaint has been referred to a diversion unit,  
14 the diversion unit shall promptly report to the juvenile court or the  
15 prosecuting attorney when the juvenile has agreed to diversion. An  
16 offense shall not be reported as criminal history in any central  
17 recordkeeping system without notification by the diversion unit of  
18 the date on which the offender agreed to diversion.

19 (9) Upon request of the victim of a crime or the victim's  
20 immediate family, ~~((the identity of an alleged or proven juvenile~~  
21 ~~offender alleged or found to have committed a crime against the~~  
22 ~~victim and the identity of the alleged or proven juvenile offender's~~  
23 ~~parent, guardian, or custodian and the circumstance of the alleged or~~  
24 ~~proven crime)) incident reports shall be released to the victim of~~  
25 the crime or the victim's immediate family.

26 (10) Subject to the rules of discovery applicable in adult  
27 criminal prosecutions, the juvenile offense records of an adult  
28 criminal defendant or witness in an adult criminal proceeding shall  
29 be released upon request to prosecution and defense counsel after a  
30 charge has actually been filed. The juvenile offense records of any  
31 adult convicted of a crime and placed under the supervision of the  
32 adult corrections system shall be released upon request to the adult  
33 corrections system.

34 (11) Any juvenile to whom the provisions of this section or RCW  
35 13.50.260 or 13.50.270 may apply shall be given written notice of his  
36 or her rights under this section at the time of his or her  
37 disposition hearing or during the diversion process.

38 (12) Nothing in this section or RCW 13.50.260 or 13.50.270 may be  
39 construed to prevent a crime victim or a member of the victim's

1 family from divulging the identity of the alleged or proven juvenile  
2 offender or his or her family when necessary in a civil proceeding.

3 (13) Except as provided in RCW 13.50.270(2), no identifying  
4 information held by the Washington state patrol in accordance with  
5 chapter 43.43 RCW is subject to destruction or sealing under this  
6 section. For the purposes of this subsection, identifying information  
7 includes photographs, fingerprints, palmprints, soleprints, toeprints  
8 and any other data that identifies a person by physical  
9 characteristics, name, birthdate or address, but does not include  
10 information regarding criminal activity, arrest, charging, diversion,  
11 conviction or other information about a person's treatment by the  
12 criminal justice system or about the person's behavior.

13 (14) Information identifying child victims under age eighteen who  
14 are victims of sexual assaults by juvenile offenders is confidential  
15 and not subject to release to the press or public without the  
16 permission of the child victim or the child's legal guardian.  
17 Identifying information includes the child victim's name, addresses,  
18 location, photographs, and in cases in which the child victim is a  
19 relative of the alleged perpetrator, identification of the  
20 relationship between the child and the alleged perpetrator.  
21 Information identifying a child victim of sexual assault may be  
22 released to law enforcement, prosecutors, judges, defense attorneys,  
23 or private or governmental agencies that provide services to the  
24 child victim of sexual assault.

25 **Sec. 5.** RCW 42.56.230 and 2019 c 470 s 8, 2019 c 239 s 2, and  
26 2019 c 213 s 2 are each reenacted and amended to read as follows:

27 The following personal information is exempt from public  
28 inspection and copying under this chapter, unless the agency has  
29 received consent for disclosure from the subject of the information  
30 or, in the case of a child, from the child's parent or guardian:

31 (1) Personal information in any files maintained for students in  
32 public schools, patients or clients of public institutions or public  
33 health agencies, or welfare recipients;

34 (2) (a) Personal information:

35 (i) For a child enrolled in licensed child care in any files  
36 maintained by the department of children, youth, and families;

37 (ii) For a child enrolled in a public or nonprofit program  
38 serving or pertaining to children, adolescents, or students,  
39 including but not limited to early learning or child care services,

1 parks and recreation programs, youth development programs, and after-  
2 school programs;

3 (iii) For the family members or guardians of a child who is  
4 subject to the exemption under this subsection (2) if the family  
5 member or guardian has the same last name as the child or if the  
6 family member or guardian resides at the same address as the child  
7 and disclosure of the family member's or guardian's information would  
8 result in disclosure of the personal information exempted under  
9 (a)(i) and (ii) of this subsection; or

10 (iv) For substitute caregivers who are licensed or approved to  
11 provide overnight care of children by the department of children,  
12 youth, and families.

13 (b) Emergency contact information under this subsection (2) may  
14 be provided to appropriate authorities and medical personnel for the  
15 purpose of treating the individual during an emergency situation;

16 (3) Personal information in files maintained for employees,  
17 appointees, or elected officials of any public agency to the extent  
18 that disclosure would violate their right to privacy;

19 (4) Information required of any taxpayer in connection with the  
20 assessment or collection of any tax if the disclosure of the  
21 information to other persons would: (a) Be prohibited to such persons  
22 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance  
23 authorized under RCW 35.102.145; or (b) violate the taxpayer's right  
24 to privacy or result in unfair competitive disadvantage to the  
25 taxpayer;

26 (5) Credit card numbers, debit card numbers, electronic check  
27 numbers, card expiration dates, or bank or other financial  
28 information as defined in RCW 9.35.005 including social security  
29 numbers, except when disclosure is expressly required by or governed  
30 by other law;

31 (6) Personal and financial information related to a small loan or  
32 any system of authorizing a small loan in RCW 31.45.093;

33 (7)(a) Any record used to prove identity, age, residential  
34 address, social security number, or other personal information  
35 required to apply for a driver's license or identicard.

36 (b) Information provided under RCW 46.20.111 that indicates that  
37 an applicant declined to register with the selective service system.

38 (c) Any record pertaining to a vehicle license plate, driver's  
39 license, or identicard issued under RCW 46.08.066 that, alone or in  
40 combination with any other records, may reveal the identity of an

1 individual, or reveal that an individual is or was, performing an  
2 undercover or covert law enforcement, confidential public health  
3 work, public assistance fraud, or child support investigative  
4 activity. This exemption does not prevent the release of the total  
5 number of vehicle license plates, drivers' licenses, or identicards  
6 that, under RCW 46.08.066, an agency or department has applied for,  
7 been issued, denied, returned, destroyed, lost, and reported for  
8 misuse.

9 (d) Any record pertaining to a vessel registration issued under  
10 RCW 88.02.330 that, alone or in combination with any other records,  
11 may reveal the identity of an individual, or reveal that an  
12 individual is or was, performing an undercover or covert law  
13 enforcement activity. This exemption does not prevent the release of  
14 the total number of vessel registrations that, under RCW 88.02.330,  
15 an agency or department has applied for, been issued, denied,  
16 returned, destroyed, lost, and reported for misuse;

17 (8) All information related to individual claims resolution  
18 structured settlement agreements submitted to the board of industrial  
19 insurance appeals under RCW 51.04.063, other than final orders from  
20 the board of industrial insurance appeals.

21 Upon request by the legislature, the department of licensing  
22 shall provide a report to the legislature containing all of the  
23 information in subsection (7)(c) and (d) of this section that is  
24 subject to public disclosure;

25 (9) Voluntarily submitted information contained in a database  
26 that is part of or associated with enhanced 911 emergency  
27 communications systems, or information contained or used in emergency  
28 notification systems as provided under RCW 38.52.575 and 38.52.577;

29 (10) Until the person reaches eighteen years of age, information,  
30 otherwise disclosable under chapter 29A.08 RCW, that relates to a  
31 future voter, except for the purpose of processing and delivering  
32 ballots;

33 (11) All information submitted by a person to the state, either  
34 directly or through a state-licensed gambling establishment, or  
35 Indian tribes, or tribal enterprises that own gambling operations or  
36 facilities with class III gaming compacts, as part of the self-  
37 exclusion program established in RCW 9.46.071 or 67.70.040 for people  
38 with a gambling problem or gambling disorder; and

1       (12) Names, addresses, or other personal information of  
2 individuals who participated in the bump-fire stock buy-back program  
3 under RCW 43.43.920.

4       **Sec. 6.** RCW 42.56.240 and 2019 c 300 s 1 are each amended to  
5 read as follows:

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

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

16       (b) For the department of children, youth, and families, records  
17 regarding an on-going child protective services investigation in  
18 conjunction with an early learning licensing complaint inspection,  
19 the records must remain exempt during the course of the child  
20 protective services investigation, all responsive records must be  
21 made available to the public when requested;

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

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

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

4       (5) Identifying information ((revealing the specific details that  
5 ~~describe an alleged or proven child victim of sexual assault under~~  
6 ~~age eighteen, or the identity or contact information of an alleged or~~  
7 ~~proven child victim of sexual assault who is under age eighteen.~~  
8 ~~Identifying information includes the child victim's name, addresses,~~  
9 ~~location, photograph, and in cases in which the child victim is a~~  
10 ~~relative, stepchild, or stepsibling of the alleged perpetrator,~~  
11 ~~identification of the relationship between the child and the alleged~~  
12 ~~perpetrator. Contact information includes phone numbers, email~~  
13 ~~addresses, social media profiles, and usernames and passwords)), as~~  
14 defined in RCW 7.69A.020, of child victims and witnesses;

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

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

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

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

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

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

38       (12) The following security threat group information collected  
39 and maintained by the department of corrections pursuant to RCW  
40 72.09.745: (a) Information that could lead to the identification of a

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

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

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

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

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

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

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

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

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

31 (iii) An intimate image;

32 (iv) A minor;

33 (v) The body of a deceased person;

34 (vi) The identity of or communications from a victim or witness  
35 of an incident involving domestic violence as defined in RCW  
36 10.99.020 or sexual assault as defined in RCW 70.125.030, or  
37 disclosure of intimate images as defined in RCW 9A.86.010. If at the  
38 time of recording the victim or witness indicates a desire for  
39 disclosure or nondisclosure of the recorded identity or  
40 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 sixty days and thereafter may destroy  
10 the records in accordance with the applicable records retention  
11 schedule;

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

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

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

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

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

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

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

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

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

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

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