
SENATE BILL 6186

State of Washington

61st Legislature

2009 Regular Session

By Senator Shin

1 AN ACT Relating to disclosure of notes and information compiled
2 during traffic stops; and amending RCW 42.56.010 and 42.56.240.

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

4 **Sec. 1.** RCW 42.56.010 and 2007 c 197 s 1 are each amended to read
5 as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Agency" includes all state agencies and all local agencies.
9 "State agency" includes every state office, department, division,
10 bureau, board, commission, or other state agency. "Local agency"
11 includes every county, city, town, municipal corporation, quasi-
12 municipal corporation, or special purpose district, or any office,
13 department, division, bureau, board, commission, or agency thereof, or
14 other local public agency.

15 (2) "Public record" includes any writing containing information
16 relating to the conduct of government or the performance of any
17 governmental or proprietary function prepared, owned, used, or retained
18 by any state or local agency regardless of physical form or
19 characteristics, including any notes or information compiled during a

1 traffic stop. For the office of the secretary of the senate and the
2 office of the chief clerk of the house of representatives, public
3 records means legislative records as defined in RCW 40.14.100 and also
4 means the following: All budget and financial records; personnel
5 leave, travel, and payroll records; records of legislative sessions;
6 reports submitted to the legislature; and any other record designated
7 a public record by any official action of the senate or the house of
8 representatives.

9 (3) "Writing" means handwriting, typewriting, printing,
10 photostating, photographing, and every other means of recording any
11 form of communication or representation including, but not limited to,
12 letters, words, pictures, sounds, or symbols, or combination thereof,
13 and all papers, maps, magnetic or paper tapes, photographic films and
14 prints, motion picture, film and video recordings, magnetic or punched
15 cards, discs, drums, diskettes, sound recordings, and other documents
16 including existing data compilations from which information may be
17 obtained or translated.

18 **Sec. 2.** RCW 42.56.240 and 2008 c 276 s 202 are each amended to
19 read as follows:

20 The following investigative, law enforcement, and crime victim
21 information is exempt from public inspection and copying under this
22 chapter:

23 (1) Specific intelligence information and specific investigative
24 records compiled by investigative, law enforcement, and penology
25 agencies, and state agencies vested with the responsibility to
26 discipline members of any profession, the nondisclosure of which is
27 essential to effective law enforcement or for the protection of any
28 person's right to privacy;

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

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

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

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

16 (6) The statewide gang database referenced in RCW 43.43.762.

17 Any notes or information compiled during a traffic stop by law
18 enforcement shall not be subject to the exemption in this section.

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