

SIXTY FOURTH LEGISLATURE - REGULAR SESSION

FORTY THIRD DAY

House Chamber, Olympia, Monday, February 22, 2016

The House was called to order at 9:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Krista Dye and William Fratt. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Al Hoenhaus, Puyallup Evangelical Church, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2989 by Representatives Reykdal, Walsh and Tarleton

AN ACT Relating to career and technical education materials, supplies, and operating costs; amending RCW 28A.150.260 and 43.88.055; reenacting and amending RCW 28A.150.260; adding a new section to chapter 28A.300 RCW; and providing effective dates.

Referred to Committee on Appropriations.

HB 2990 by Representatives Peterson, Robinson, Farrell, Gregerson, Bergquist, Riccelli, Jinkins, Pollet, Kuderer, Stanford, Ryu, Frame, Tharinger, Moscoso, Cody, Sells, Appleton, Reykdal, Ortiz-Self, Wylie, Hudgins, S. Hunt, Kagi, Van De Wege, Moeller, Tarleton, Senn, Walkinshaw and Ormsby

AN ACT Relating to improving the fairness of Washington's tax system by narrowing the use tax exemption for extracted fuel; amending RCW 82.12.0263; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Finance.

HB 2991 by Representatives Farrell, Riccelli, Jinkins, Robinson, Bergquist, Gregerson, Pollet, Kuderer, Ryu, Frame, Tarleton, Moscoso, Tharinger, Cody, Fey, Sells, Appleton, Reykdal, Ortiz-Self, Wylie, S. Hunt, Kagi, Hudgins, Moeller, Ormsby and Peterson

AN ACT Relating to improving the fairness of Washington's tax system by narrowing the deduction

for income received on real estate loans; amending RCW 82.04.29005; adding a new section to chapter 82.32 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Finance.

HB 2992 by Representatives Frame, Farrell, Riccelli, Bergquist, Robinson, Pollet, Gregerson, Ryu, Jinkins, Reykdal, Tharinger, Kuderer, Moscoso, Cody, Fey, Sells, Appleton, Ortiz-Self, Wylie, S. Hunt, Van De Wege, McBride, Moeller, Tarleton, Senn, Walkinshaw, Kagi, Santos, Kirby, Ormsby and Peterson

AN ACT Relating to improving fairness in the Washington tax system by narrowing the sales and use tax exemption for the purchase and repair of large private airplanes owned by nonresident entities; amending RCW 82.08.215; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; and providing an expiration date.

Referred to Committee on Finance.

HB 2993 by Representatives Riccelli, Jinkins, Robinson, Farrell, Gregerson, Bergquist, Kuderer, Hurst, Tharinger, Pollet, Ryu, Frame, Moscoso, Sells, Appleton, Reykdal, Ortiz-Self, Wylie, Kagi, S. Hunt, Van De Wege, Hudgins, Walkinshaw, Tarleton, Senn, Ormsby and Peterson

AN ACT Relating to improving the fairness of Washington's tax system by repealing the business and occupation tax exemption for international banking facilities; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; and repealing RCW 82.04.315.

Referred to Committee on Finance.

HB 2994 by Representatives Robinson, Walkinshaw, Gregerson, Farrell, Jinkins, Frame, Riccelli, Tharinger, Moscoso, Kuderer, Cody, Bergquist, Pollet, Sells, Stanford, Appleton, Ryu, Reykdal, Ortiz-Self, Hudgins, Wylie, S. Hunt, Van De Wege, Moeller, Tarleton, Santos, Kirby, Ormsby and Peterson

AN ACT Relating to providing accountability and transparency for aerospace-related tax incentives; amending RCW 82.04.4461; amending 2013 3rd sp.s. c 2 s 1 (uncodified); reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2362, by Representatives Hansen, Pettigrew, Nealey and Kirby

Concerning video and/or sound recordings made by law enforcement or corrections officers.

The bill was read the second time.

Representative Hansen moved the adoption of amendment (735):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that technological developments present opportunities for additional truth-finding, transparency, and accountability in interactions between law enforcement or corrections officers and the public. The legislature intends to promote transparency and accountability by permitting access to video and/or sound recordings of interactions with law enforcement or corrections officers, while preserving the public's reasonable expectation that the recordings of these interactions will not be publicly disclosed to enable voyeurism or exploitation.

Sec. 2. RCW 42.56.240 and 2015 c 224 s 3 and 2015 c 91 s 1 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates; ~~(and)~~

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

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including,

but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

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

(i) The interior of a place of residence where a person has a reasonable expectation of privacy;

(ii) An intimate image as defined in RCW 9A.86.010;

(iii) A minor;

(iv) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern;

(v) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020; or

(vi) The waiting or treatment area of a medical facility, or counseling or therapeutic program office.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera

recording. A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after the effective date of this section and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of the effective date of this section, regardless of whether or not body worn cameras are being deployed in the jurisdiction on the effective date of this section, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

Sec. 3. RCW 42.56.080 and 2005 c 483 s 1 and 2005 c 274 s 285 are each reenacted and amended to read as follows:

Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(9) or 42.56.240(14), or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the

agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.

Sec. 4. RCW 42.56.120 and 2005 c 483 s 2 are each amended to read as follows:

No fee shall be charged for the inspection of public records (~~(No fee shall be charged for)~~) or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14). A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. Agency charges for photocopies shall be imposed in accordance with the actual per page cost or other costs established and published by the agency. In no event may an agency charge a per page cost greater than the actual per page cost as established and published by the agency. To the extent the agency has not determined the actual per page cost for photocopies of public records, the agency may not charge in excess of fifteen cents per page. An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request.

NEW SECTION. Sec. 5. (1) A law enforcement or corrections agency that deploys body worn cameras must establish policies regarding the use of the cameras. The policies must, at a minimum, address:

- (a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;
- (b) How a law enforcement or corrections officer is to respond to circumstances when it would be reasonably anticipated that a person may be unwilling or less willing to communicate with an officer who is recording the communication with a body worn camera;
- (c) How a law enforcement or corrections officer will document when and why a body worn camera was deactivated prior to the conclusion of an interaction with a member of the public while conducting official law enforcement or corrections business;
- (d) How, and under what circumstances, a law enforcement or corrections officer is to inform a member of the public that he or she is being recorded, including in situations where the person is a non-English speaker or has limited English proficiency, or where the person is deaf or hard of hearing;

- (e) How officers are to be trained on body worn camera usage and how frequently the training is to be reviewed or renewed; and

- (f) Security rules to protect data collected and stored from body worn cameras.

(2) A law enforcement or corrections agency that deploys body worn cameras before the effective date of this section must establish the policies within one hundred twenty days of the effective date of this section. A law enforcement or corrections agency that deploys body worn cameras on or after the effective date of this section must establish the policies before deploying body worn cameras.

(3) This section expires July 1, 2019.

NEW SECTION. Sec. 6. (1) The legislature shall convene a task force with the following voting members to examine the use of body worn cameras by law enforcement and corrections agencies:

- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (b) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;
- (c) A representative from the governor's office;
- (d) Two representatives from the Washington association of prosecuting attorneys;
- (e) A representative from the Washington defender association;
- (f) A representative of the Washington association of criminal defense lawyers;
- (g) A representative from the American civil liberties union of Washington;
- (h) A representative from the Washington association of sheriffs and police chiefs;
- (i) Four chief local law enforcement officers, at least two of whom must be from local law enforcement agencies that have deployed body worn cameras, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (j) Three law enforcement officers, one representing the council of metropolitan police and sheriffs and two representing the Washington council of police and sheriffs;
- (k) Two representatives of local governments responsible for oversight of law enforcement, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (l) A representative from the Washington coalition for open government;
- (m) A representative of the news media, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (n) A representative of victims advocacy groups, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (o) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on African-American affairs;

(p) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Asian Pacific American affairs;

(q) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Hispanic affairs;

(r) One representative of immigrant or refugee communities, appointed jointly by the president of the senate and the speaker of the house of representatives;

(s) One person with expertise in the technology of retaining and redacting body worn camera recordings, appointed jointly by the president of the senate and the speaker of the house of representatives;

(t) Two representatives of the tribal communities with experience in interactions between law enforcement and the public, appointed jointly by the president of the senate and the speaker of the house of representatives; and

(u) A public member, appointed jointly by the president of the senate and the speaker of the house of representatives.

(2) The task force shall choose two cochairs from among its legislative members.

(3) The task force may request such information, recordings, and other records from agencies as the task force deems appropriate for it to effectuate this section. A participating agency must provide such information, recordings, or records upon request subject to exemptions under chapter 42.56 RCW or any applicable law.

(4) Staff support for the task force shall be provided by the senate committee services and the house of representatives office of program research.

(5) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer, governmental entity, or other organization, are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(7) The task force shall hold public meetings in locations that include rural and urban communities and communities in the eastern and western parts of the state.

(8) The task force shall specifically consider and report on the use of body worn cameras in health care facilities subject to the health insurance portability and accountability act of 1996, P.L. 104-191, and the uniform health care information act, chapter 70.02 RCW. The task force shall consult with subject matter experts, including, but not limited to, the Washington state hospital association and the Washington state medical association, and any findings or recommendations must be consistent with the obligations of health care facilities under both federal and state law.

(9) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2018. The report must include, but is not limited to, findings and

recommendations regarding costs assessed to requesters, policies adopted by agencies, retention and retrieval of data, model policies regarding body worn cameras that at a minimum address the issues identified in section 5 of this act, and the use of body worn cameras for gathering evidence, surveillance, and police accountability. The task force must allow a minority report to be included with the task force report if requested by a member of the task force.

(10) This section expires June 1, 2019.

NEW SECTION. Sec. 7. Section 5 of this act constitutes a new chapter in Title 10 RCW."

With the consent of the house, amendments (774), (777), (787) and (789) to amendment (735) were withdrawn.

Representative Hansen moved the adoption of amendment (773) to amendment (735):

On page 4, line 5 of the striking amendment, after "(iv)" insert "The body of a deceased person;
(v)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Hansen and Jinkins spoke in favor of the adoption of the amendment to the amendment.

Amendment (773) to amendment (735) was adopted.

Representative Pollet moved the adoption of amendment (799) to amendment (735):

On page 5, line 1 of the striking amendment, after "(e)" insert "(i)"

On page 5, line 10 of the striking amendment, after "law," insert "In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii)"

On page 5, line 14 of the striking amendment, after "recording," insert the following:

"(iii)"

On page 5, line 20 of the striking amendment, after "(f)" insert "(i)"

On page 5, after line 26 of the striking amendment, insert the following:

"(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the

recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law."

Representatives Pollet, Stokesbary and Jinkins spoke in favor of the adoption of the amendment to the amendment.

Amendment (799) to amendment (735) was adopted.

Representative Moscoso moved the adoption of amendment (785) to amendment (735):

On page 6, beginning on line 2 of the amendment, after "as of" strike all material through "basis" on line 6 and insert "January 1, 2016, regardless of whether or not body worn cameras are being deployed in the jurisdiction on January 1, 2016, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis as of that date"

Representatives Moscoso and Taylor spoke in favor of the adoption of the amendment to the amendment.

Representatives Jinkins and Stokesbary spoke against the adoption of the amendment to the amendment.

Amendment (785) to amendment (735) was not adopted.

Representative Young moved the adoption of amendment (775) to amendment (735):

On page 8, line 5 of the striking amendment, after "camera" insert ". The policies must require that an officer deactivate a body worn camera when entering a residence unless at the time of entry into the residence a crime is occurring at the residence or the officer reasonably believes a crime may occur at the residence while the officer is entering or within the residence"

Representatives Young, Hayes and Shea spoke in favor of the adoption of the amendment to the amendment.

Representatives Jinkins and Hansen spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 50 - YEAS; 47 - NAYS.

Amendment (775) to amendment (735) was adopted.

Representative Taylor moved the adoption of amendment (778) to amendment (735):

On page 8, line 30 of the striking amendment, after "(3)" insert "Body worn camera policies established under this section must be adopted in accordance with the requirements of the open public meetings act, chapter 42.30 RCW.

(4)"

Representatives Taylor, Hayes and Taylor (again) spoke in favor of the adoption of the amendment to the amendment.

Representatives Jinkins and Springer spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 48 - YEAS; 49 - NAYS.

Amendment (778) to amendment (735) was not adopted.

Representative Shea moved the adoption of amendment (790) to amendment (735):

On page 8, after line 30 of the striking amendment, insert the following:

"NEW SECTION. Sec. 6. Footage from a body worn camera recording may not be introduced as evidence in a criminal proceeding unless there is probable cause to believe that the footage is evidence of criminal activity constituting a felony offense, or where the footage is obtained in the course of executing a valid warrant or obtained under exigent circumstances. For the purposes of this section, "body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer while in the course of his or her official duties."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 11, after line 32 of the striking amendment, insert the following:

"NEW SECTION. Sec. 7. Section 6 of this act constitutes a new chapter in Title 5 RCW."

Renumber the remaining section consecutively.

Correct the title.

Representative Shea spoke in favor of the adoption of the amendment to the amendment.

Representative Jinkins spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 47 - YEAS; 50 - NAYS.

Amendment (790) to amendment (735) was not adopted.

Representative Moscoso moved the adoption of amendment (779) to amendment (735):

Beginning on page 1, at the beginning of line 4 of the amendment, strike all of sections 1 through 7 and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature shall convene a task force with the following voting members to examine the use of body worn cameras by law enforcement and corrections agencies:

- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (b) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;
- (c) A representative from the governor's office;
- (d) Two representatives from the Washington association of prosecuting attorneys;
- (e) A representative from the Washington defender association;
- (f) A representative of the Washington association of criminal defense lawyers;
- (g) A representative from the American civil liberties union of Washington;
- (h) A representative from the Washington association of sheriffs and police chiefs;
- (i) Four chief local law enforcement officers, at least two of whom must be from local law enforcement agencies that have deployed body worn cameras, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (j) Three law enforcement officers, one representing the council of metropolitan police and sheriffs and two representing the Washington council of police and sheriffs;
- (k) One representative of local governments responsible for oversight of law enforcement, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (l) A representative from the Washington coalition for open government;
- (m) A representative of the news media, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (n) A representative of victims advocacy groups, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (o) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on African-American affairs;
- (p) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Asian Pacific American affairs;
- (q) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Hispanic affairs;
- (r) One representative of immigrant or refugee communities, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (s) One representative of the Washington state hospital association;
- (t) One person with expertise in the technology of retaining and redacting body worn camera recordings, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (u) Two representatives of the tribal communities with experience in interactions between law enforcement

and the public, appointed jointly by the president of the senate and the speaker of the house of representatives; and

(v) A public member, appointed jointly by the president of the senate and the speaker of the house of representatives.

(2) The task force shall choose two cochairs from among its legislative members.

(3) The task force may request such information, recordings, and other records from agencies as the task force deems appropriate for it to effectuate this section. A participating agency must provide such information, recordings, or records upon request subject to exemptions under chapter 42.56 RCW or any applicable law.

(4) Staff support for the task force shall be provided by the senate committee services and the house of representatives office of program research.

(5) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2017. The report must include, but is not limited to, findings and recommendations regarding costs assessed to requesters, policies adopted by agencies, retention and retrieval of data, model policies regarding body worn cameras, and the use of body worn cameras for gathering evidence, surveillance, and police accountability.

(8) This section expires June 1, 2018."

Correct the title.

Representatives Moscoso and Taylor spoke in favor of the adoption of the amendment to the amendment.

Representatives Rodne, Jinkins and Stokesbary spoke against the adoption of the amendment to the amendment.

Amendment (779) to amendment (735) was not adopted.

Representatives Hansen and Nealey spoke in favor of the adoption of the amendment as amended.

Amendment (735), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Stokesbary, Rodne, Kuderer, Hayes and Nealey spoke in favor of the passage of the bill.

Representatives Schmick, Pollet, Moscoso, DeBolt, Johnson, Shea, Ryu, Taylor, Holy and Condotta spoke against the passage of the bill.

MOTION

On motion of Representative Harris, Representative MacEwen was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2362.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2362, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hargrove, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Farrell, Griffey, Harmsworth, Harris, Hawkins, Holy, Johnson, Kretz, Kristiansen, Manweller, McCabe, McCaslin, Moscoso, Orcutt, Parker, Pike, Pollet, Ryu, Santos, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox and Wilson.

Excused: Representative MacEwen.

ENGROSSED HOUSE BILL NO. 2362, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., February 23, 2016, the 44th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

2362
Amendment Offered2
Third Reading Final Passage8
2989
Introduction & 1st Reading.....1
2990
Introduction & 1st Reading.....1
2991

Introduction & 1st Reading 1
2992
Introduction & 1st Reading 1
2993
Introduction & 1st Reading 1
2994
Introduction & 1st Reading 1