

SB 5299 -- Redline

Substitute to Bill -- Concerning law enforcement officer protection.

Deletions ~~struck~~ · Insertions underlined

~~ENGROSSED~~~~S-0454.1~~ ~~SUBSTITUTE~~ SENATE BILL 5299 State of Washington 68th Legislature 2023 Regular Session By ~~Senate Law & Justice (originally sponsored by~~ Senators Braun, Rolfes, Conway, Holy, Mullet, Torres, Wagoner, Warnick, C.

~~Wilson)~~Wilson ~~READ~~Read ~~FIRST~~first ~~TIME~~time ~~02/07/23~~01/12/23.

Referred to Committee on Law & Justice.

adding a new section to chapter 9.61 RCW:

adding a new section to chapter 4.24 RCW:

or (c) Assaults a school bus driver, the immediate supervisor of a driver, a mechanic, or a security officer, employed by a school ~~district transportation service or a private company under contract for transportation services with a school district, while the person~~ p.

1 ~~ESSB~~SB 5299 district transportation service or a private company under contract for transportation services with a school district, while the person is performing his or her official duties at the time of the assault;

or ~~((k))~~p. ~~(l) Assaults a person located in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber.~~

~~This~~2 section~~SB shall~~5299 p.~~((k))~~ (l) Assaults a person located in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber.

~~2~~This ~~ESSB~~section ~~5299~~shall apply only:

NEW SECTION.

A new section is added to chapter 9.61 RCW to read as follows:

(1) A person is guilty of doxing if:

(a) The person intentionally posts another person's personally identifiable information without his or her consent;

(b) The person knows that posting the personally identifiable information is reasonably likely to cause the person whose information is posted to experience harassment, bodily injury, or death;

and (c) The posting of the personally identifiable information causes the person whose information is posted to experience a substantial life disruption, harassment, bodily injury, or death.

(2) It is not an offense under this section for a person to:

(a) Provide another person's personally identifiable information when reporting unlawful activity or when providing such information in response to, or in connection with, an investigation conducted by a government agency or employer;

or (b) Provide a person's personally identifiable information in connection with lawful and constitutionally protected activity.

(3)(a) Except as provided in (b) of this subsection, doxing is a gross misdemeanor.

(b) A person who commits cyber harassment is guilty of a class C felony if the person has previously been convicted of doxing.

(4) Doxing may be committed in more than one location.

The offense is deemed to have been committed in any location in which any element of the offense occurred or in the location in which the person whose personally identifiable information resides.

(5) Nothing in this section shall be construed to:

Conflict with 47 U.S.C.

Sec.

230 of the communications decency act;

conflict with 42 U.S.C.

Sec.

1983 of the civil rights act;

or prohibit any activity p.

3 SB 5299 protected under the Constitution of the United States or the state Constitution.

(6) For the purposes of this section:

(a) "Bodily injury" has the same meaning as provided in RCW 9A.04.110.

(b) "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic,

photoelectronic, or photo optical system that affects interstate or foreign commerce.

(c) "Harassment" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose.

The course of conduct must:

Be such as would cause a reasonable person to suffer substantial emotional distress, and actually cause substantial emotional distress to the person;

or be such as would cause a reasonable parent to fear for the well-being of the parent's child.

(d) "Personally identifiable information" means:

(i) Any information that can be used to distinguish or trace an individual's identity, such as name, prior legal name, alias, mother's maiden name, social security number, date or place of birth, address, phone number, or biometric data;

(ii) Any information that is linked or linkable to an individual, such as medical, financial, education, consumer, or employment information, data, or records;

(iii) Any sensitive private information that is linked to a specific identifiable individual, such as gender identity, sexual orientation, or any sexually intimate visual depiction;

or (iv) Any information that provides access to a person's teleconferencing, video teleconferencing, or other digital meeting room.

(e) "Post" means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to two or more persons through electronic communication.

(f) "Substantial life disruption" means that a person significantly modifies that person's actions or routines either to avoid the person who posted the information or as a result of the posting, such as changing a phone number, changing an electronic mail address, deleting personal electronic accounts or significantly p.

4 SB 5299 decreasing use of the internet, moving from an established residence, changing daily routines, changing routes to and from work, changing employment or work schedule, or losing time from work or a job.

NEW SECTION.

Sec.

3.

A new section is added to chapter 4.24 RCW to read as follows:

(1) A person who is a victim of an offense under section 2 of this act may bring a civil action against the person who committed the offense or against any person who knowingly benefits, financially or by receiving anything of value, from participating in any venture that the person knew or should have known violated RCW 9A.36.031, and may recover damages and any other appropriate relief, including reasonable attorneys' fees.

(2) A person who is found liable under this section shall be jointly and severally liable with each other person, if any, who is found liable under this section for damages arising from the same conduct.

(3) A court in which a suit is brought under this section, on the motion of a party, may issue a temporary restraining order or permanent injunction to restrain or prevent the disclosure or continued disclosure of personally identifiable information.

Sec.

4.

~~3-5.~~

~~(1)p. Each law enforcement agency in the state is required to report each incident where a law enforcement officer employed by the agency used force and:~~

5 SB 5299 (1) Each law enforcement agency in the state is required to report each incident where a law enforcement officer employed by the agency used force and:

~~p-(vii) Struck a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight;~~

~~3 ESSB 5299 (vii) Struck a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight;~~

~~(h)p. Whether the person against whom force was used was believed to be armed;~~

6 SB 5299 (h) Whether the person against whom force was used was believed to be armed;

~~p-(p) Whether any minors were present at the scene of the incident, if known;~~

~~4 ESSB 5299 (p) Whether any minors were present at the scene of the incident, if known;~~

(c) If charges were ~~filed~~filed, against the civilian, the ultimate disposition of the case;

and (d) Reasoning if charges were not ~~filed~~filed, against the civilian;

~~and p. (e) The age, gender, race, and ethnicity of the individual who assaulted the officer.~~

7 SB 5299 (5) All law enforcement agencies shall submit the reports required by this section in accordance with the requirements of the statewide use of force data program no later than three months after the office of the attorney general determines that the system procured in RCW 10.118.040 can accept law enforcement agency reports.

~~P~~ NEW SECTION.

~~5 ESSB 5299 NEW SECTION.~~

~~4~~ 6.

~~68~~ ESSB ~~SB~~ 5299