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HOUSE BILL 2235

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State of Washington

69th Legislature

2026 Regular Session

By Representative Walsh

Prefiled 12/31/25.

1       AN ACT Relating to public records act exemptions regarding  
2       concealed pistol licenses, permits to purchase firearms, and firearms  
3       purchases or transfers; and reenacting and amending RCW 42.56.240.

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

5       **Sec. 1.** RCW 42.56.240 and 2024 c 299 s 2 and 2024 c 298 s 21 are  
6       each reenacted and amended to read as follows:

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

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

16       (2) Information revealing the identity of persons who are  
17       witnesses to or victims of crime or who file complaints with  
18       investigative, law enforcement, or penology agencies, other than the  
19       commission, if disclosure would endanger any person's life, physical  
20       safety, or property. If at the time a complaint is filed the  
21       complainant, victim, or witness indicates a desire for disclosure or

1 nondisclosure, such desire shall govern. However, all complaints  
2 filed with the commission about any elected official or candidate for  
3 public office must be made in writing and signed by the complainant  
4 under oath;

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

11 (4)(a) License applications, licenses, notices of license  
12 denials, and any documents associated with a license or license  
13 application, including proof of completion of a certified concealed  
14 carry firearms safety training program, under RCW 9.41.070, except  
15 that copies of license applications or information on the  
16 applications may be released to law enforcement or corrections  
17 agencies or to persons and entities as authorized under RCW 9.41.815;

18 (b) Permit applications, permits, notices of permit denials, and  
19 any documents associated with a permit or permit application,  
20 including a certificate of completion of a certified firearms safety  
21 training program, under RCW 9.41.121, except that copies of permit  
22 applications or information on the applications may be released to  
23 law enforcement or corrections agencies or to persons and entities as  
24 authorized under RCW 9.41.815; and

25 (c) Applications for the purchase or transfer of a firearm,  
26 firearm transfer records, notices of application denials, and any  
27 documents associated with an application for the purchase or transfer  
28 of a firearm, under chapter 9.41 RCW, except that firearm transfer  
29 records and copies of applications for the purchase or transfer of a  
30 firearm or information on the applications may be released to law  
31 enforcement or corrections agencies or to persons and entities as  
32 authorized under RCW 9.41.815;

33 (5)(a) Information revealing the specific details that describe  
34 an alleged or proven child victim of sexual assault or commercial  
35 sexual exploitation under age 18, or the identity or contact  
36 information of an alleged or proven child victim of sexual assault or  
37 commercial sexual exploitation who is under age 18. Identifying  
38 information includes the child victim's name, addresses, location,  
39 photograph, and in cases in which the child victim is a relative,  
40 stepchild, or stepsibling of the alleged perpetrator, identification

1 of the relationship between the child and the alleged perpetrator.  
2 Contact information includes phone numbers, email addresses, social  
3 media profiles, and user names and passwords.

4 (b) For purposes of this subsection (5), "commercial sexual  
5 exploitation" has the same meaning as in RCW 7.105.010;

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

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

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

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

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

24 (11) The identity of a state employee or officer who has in good  
25 faith filed a complaint with an ethics board, as provided in RCW  
26 42.52.410, or who has in good faith reported improper governmental  
27 action, as defined in RCW 42.40.020, to the auditor or other public  
28 official, as defined in RCW 42.40.020;

29 (12) The following security threat group information collected  
30 and maintained by the department of corrections pursuant to RCW  
31 72.09.745: (a) Information that could lead to the identification of a  
32 person's security threat group status, affiliation, or activities;  
33 (b) information that reveals specific security threats associated  
34 with the operation and activities of security threat groups; and (c)  
35 information that identifies the number of security threat group  
36 members, affiliates, or associates;

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

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

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

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

12 (I) A patient is registered to receive treatment, receiving  
13 treatment, waiting for treatment, or being transported in the course  
14 of treatment; or

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

17 (B) Information that meets the definition of protected health  
18 information for purposes of the health insurance portability and  
19 accountability act of 1996 or health care information for purposes of  
20 chapter 70.02 RCW;

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

23 (iii) An intimate image;

24 (iv) A minor;

25 (v) The body of a deceased person;

26 (vi) The identity of or communications from a victim or witness  
27 of an incident involving domestic violence as defined in RCW  
28 10.99.020 or sexual assault as defined in RCW 70.125.030, or  
29 disclosure of intimate images as defined in RCW 9A.86.010. If at the  
30 time of recording the victim or witness indicates a desire for  
31 disclosure or nondisclosure of the recorded identity or  
32 communications, such desire shall govern; or

33 (vii) The identifiable location information of a community-based  
34 domestic violence program as defined in RCW 70.123.020, or emergency  
35 shelter as defined in RCW 70.123.020.

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

38 (c) In a court action seeking the right to inspect or copy a body  
39 worn camera recording, a person who prevails against a law  
40 enforcement or corrections agency that withholds or discloses all or

1 part of a body worn camera recording pursuant to (a) of this  
2 subsection is not entitled to fees, costs, or awards pursuant to RCW  
3 42.56.550 unless it is shown that the law enforcement or corrections  
4 agency acted in bad faith or with gross negligence.

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

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

8 (ii) Provide the incident or case number;

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

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

13 (e)(i) A person directly involved in an incident recorded by the  
14 requested body worn camera recording, an attorney representing a  
15 person directly involved in an incident recorded by the requested  
16 body worn camera recording, a person or his or her attorney who  
17 requests a body worn camera recording relevant to a criminal case  
18 involving that person, or the executive director from either the  
19 Washington state commission on African American affairs, Asian  
20 Pacific American affairs, or Hispanic affairs, has the right to  
21 obtain the body worn camera recording, subject to any exemption under  
22 this chapter or any applicable law. In addition, an attorney who  
23 represents a person regarding a potential or existing civil cause of  
24 action involving the denial of civil rights under the federal or  
25 state Constitution, or a violation of a United States department of  
26 justice settlement agreement, has the right to obtain the body worn  
27 camera recording if relevant to the cause of action, subject to any  
28 exemption under this chapter or any applicable law. The attorney must  
29 explain the relevancy of the requested body worn camera recording to  
30 the cause of action and specify that he or she is seeking relief from  
31 redaction costs under this subsection (14)(e).

32 (ii) A law enforcement or corrections agency responding to  
33 requests under this subsection (14)(e) may not require the requesting  
34 individual to pay costs of any redacting, altering, distorting,  
35 pixelating, suppressing, or otherwise obscuring any portion of a body  
36 worn camera recording.

37 (iii) A law enforcement or corrections agency may require any  
38 person requesting a body worn camera recording pursuant to this  
39 subsection (14)(e) to identify himself or herself to ensure he or she

1 is a person entitled to obtain the body worn camera recording under  
2 this subsection (14) (e).

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

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

14 (iii) In any case where an agency charges a requestor for the  
15 costs of redacting a body worn camera recording under this subsection  
16 (14) (f), the time spent on redaction of the recording shall not count  
17 towards the agency's allocation of, or limitation on, time or costs  
18 spent responding to public records requests under this chapter, as  
19 established pursuant to local ordinance, policy, procedure, or state  
20 law.

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

22 (i) "Body worn camera recording" means a video and/or sound  
23 recording that is made by a body worn camera attached to the uniform  
24 or eyewear of a law enforcement or corrections officer while in the  
25 course of his or her official duties; and

26 (ii) "Intimate image" means an individual or individuals engaged  
27 in sexual activity, including sexual intercourse as defined in RCW  
28 9A.44.010 and masturbation, or an individual's intimate body parts,  
29 whether nude or visible through less than opaque clothing, including  
30 the genitals, pubic area, anus, or postpubescent female nipple.

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

35 (i) Nothing in this section is intended to modify the obligations  
36 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,  
37 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*  
38 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and  
39 the relevant Washington court criminal rules and statutes.

1 (j) A law enforcement or corrections agency must retain body worn  
2 camera recordings for at least 60 days and thereafter may destroy the  
3 records in accordance with the applicable records retention schedule;

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

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

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

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

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

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

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

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

19 (17) Information and records prepared, owned, used, or retained  
20 by the Washington association of sheriffs and police chiefs and  
21 information and records prepared, owned, used, or retained by the  
22 Washington state patrol pursuant to chapter 261, Laws of 2017;

23 (18) Any and all audio or video recordings of child forensic  
24 interviews as defined in chapter 26.44 RCW. Such recordings are  
25 confidential and may only be disclosed pursuant to a court order  
26 entered upon a showing of good cause and with advance notice to the  
27 child's parent, guardian, or legal custodian. However, if the child  
28 is an emancipated minor or has attained the age of majority as  
29 defined in RCW 26.28.010, advance notice must be to the child.  
30 Failure to disclose an audio or video recording of a child forensic  
31 interview as defined in chapter 26.44 RCW is not grounds for  
32 penalties or other sanctions available under this chapter; and

33 (19) Information exempt from public disclosure and copying under  
34 RCW 43.10.305(2) (f) .

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