

1 **HB 1254 - H AMD 047 ADOPTED 2-28-97**

2 By Representative Sterk

3 Strike everything after the enacting clause and insert the
4 following:

5 **Sec. 1.** RCW 46.52.100 and 1995 c 219 3 are each amended to
6 read as follows: Every district court, municipal court, and clerk
7 of superior court shall keep or cause to be kept a record of every
8 traffic complaint, traffic citation, notice of infraction, or other
9 legal form of traffic charge deposited with or presented to the
10 court or a traffic violations bureau, and shall keep a record of
11 every official action by the court or its traffic violations bureau
12 in reference thereto, including but not limited to a record of
13 every conviction, forfeiture of bail, judgment of acquittal,
14 finding that a traffic infraction has been committed, dismissal of
15 a notice of infraction, and the amount of fine, forfeiture, or
16 penalty resulting from every traffic complaint, citation, or notice
17 of infraction deposited with or presented to the district court,
18 municipal court, superior court, or traffic violations bureau. In
19 the case of a record of a conviction for a violation of RCW
20 46.61.502 or 46.61.504, and notwithstanding any other provision of
21 law, the record shall be maintained by the court for not less than
22 ten years.

23 The Monday following the conviction, forfeiture of bail, or
24 finding that a traffic infraction was committed for violation of
25 any provisions of this chapter or other law regulating the
26 operating of vehicles on highways, every magistrate of the court or
27 clerk of the court of record in which such conviction was had, bail
28 was forfeited, or the finding made shall prepare and immediately
29 forward to the director of licensing at Olympia an abstract of the
30 record of the court covering the case, which abstract must be
31 certified by the person so required to prepare the same to be true
32 and correct. Report need not be made of any finding involving the
33 illegal parking or standing of a vehicle.

34 The abstract must be made upon a form or forms furnished by
35 the director and shall include the name and address of the party
36 charged, the number, if any, of the party's driver's or chauffeur's

1 license, the registration number of the vehicle involved if
2 required by the director, the nature of the offense, the date of
3 hearing, the plea, the judgment, whether the offense was an
4 alcohol-related offense as defined in RCW 46.01.260(2), whether
5 bail forfeited, whether the determination that a traffic infraction
6 was committed was contested, and the amount of the fine,
7 forfeiture, or penalty as the case may be.

8 Every court of record shall also forward a like report to the
9 director upon the conviction of any person of a felony in the
10 commission of which a vehicle was used.

11 The failure of any such judicial officer to comply with any of
12 the requirements of this section shall constitute misconduct in
13 office and shall be grounds for removal therefrom.

14 The director shall keep all abstracts received hereunder at
15 the director's office in Olympia and the same shall be open to
16 public inspection during reasonable business hours.

17 Venue in all district courts shall be before one of the two
18 nearest district judges in incorporated cities and towns nearest to
19 the point the violation allegedly occurred: PROVIDED, That in
20 counties with populations of one hundred twenty-five thousand or
21 more such cases may be tried in the county seat at the request of
22 the defendant.

23 It shall be the duty of the officer, prosecuting attorney, or
24 city attorney signing the charge or information in any case
25 involving a charge of driving under the influence of intoxicating
26 liquor or any drug immediately to make request to the director for
27 an abstract of convictions and forfeitures which the director shall
28 furnish.-

29 Correct the title accordingly.

EFFECT: Removes the proposed requirement that the department of licensing (DOL) maintain records of alcohol-related driving offenses for more than 10 years. Retains the current requirement that DOL keep those records for at least 10 years, and imposes a requirement on courts that they maintain records of drunk driving convictions for at least 10 years.