

# FINAL BILL REPORT

## 2SHB 1176

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C 326 L 99

Synopsis as Enacted

**Brief Description:** Requiring the retention of records pertaining to sexually violent offenses.

**Sponsors:** By House Committee on Criminal Justice & Corrections (Originally sponsored by Representatives O'Brien, Koster, Kagi, Ballasiotes, Cairnes, Lovick, Hurst, Tokuda, Dickerson, Kenney, Campbell, Ogden, Dunn, Santos, Conway, Esser, Lantz, Rockefeller and McIntire; by request of Department of Corrections).

**House Committee on Criminal Justice & Corrections**

**House Committee on Appropriations**

**Senate Committee on Human Services & Corrections**

**Senate Committee on Ways & Means**

### **Background:**

County, municipal, and other local government agencies must retain all public records for a minimum of six years before destruction. In addition, the department of origin must substantiate to the local and state records committees that the public records have no further administrative or legal value and are unnecessary, uneconomical, or have been officially reproduced by some other process such as photographic, photostatic, or microfilm.

Recommendations for the destruction or disposition of records must be submitted to the records committee. The committee will determine whether the records will be preserved. If the committee chooses to destroy particular records it may arrange for its destruction or disposition by the Division of Archives.

Many records relating to offenders committing sexually violent offenses are destroyed after six or more years if the records have been closed and are not currently being used in a law enforcement investigation or in a pending judicial proceeding. Some records are open to public disclosure.

Public records include such items as any paper, files, receipts, memoranda, maps, drawings, contracts, public records, film, sound recordings, and compact discs.

### **Summary:**

Investigative reports pertaining to sex offenses and sexually violent offenses may not be destroyed or disposed of. All investigative reports that are not required in the current operation of a law enforcement agency or a pending judicial proceeding must be transferred to the Washington Association of Sheriffs and Police Chiefs (WASPC) for permanent retention following the agency's record retention expiration date. The WASPC may destroy the paper copy of the records pertaining to sexually violent offenses if they have been retained electronically.

All sexually violent predator records that are transferred to the WASPC are exempt from public disclosure. However, criminal justice agencies may review records for determining if a sex offender meets the criteria of a sexually violent predator. In addition, records may be disseminated for the purpose of assisting victims in obtaining a civil remedy.

**Votes on Final Passage:**

House 96 0  
Senate 48 0 (Senate amended)  
House 76 20 (House concurred)

**Effective:** July 25, 1999