

# HOUSE BILL ANALYSIS

## HB 1176

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**Title:** An act relating to retention of records pertaining to sexually violent offenses.

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

**Sponsors:** 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.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Yvonne Walker (786-7841).

**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 record has been closed and is not currently being used in a law enforcement investigation or in a pending judicial proceeding.

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 offenders committing a sexually violent offense are prohibited from being destroyed or disposed. All records relating to sex offenders 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 for permanent retention.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.