

HOUSE BILL ANALYSIS

HB 1555

Title: An act relating to criminal history records.

Brief Description: Improving criminal history record dispositions.

Sponsors: Representatives McDonald, Murray, Delvin, Romero, Ballasiotes, Scott, Hatfield, Bush, Poulsen, Mastin, Constantine and Mitchell; by request of Washington State Patrol.

Brief Summary of Bill

- Changes the criteria for presuming that a criminal proceeding is no longer "active" for purposes of making "nonconviction data" about an incident part of "criminal history information" that may be subject to dissemination or inspection.

HOUSE COMMITTEE ON JUDICIARY

Staff: Bill Perry (786-7123).

Background:

Definition of "Nonconviction Data."

"Criminal history record information" consists of "conviction records" and "nonconviction data" that are held by a criminal justice agency other than a court. Conviction records may be disseminated by a criminal justice agency without restriction. On the other hand, specific rules apply to the dissemination of nonconviction data to various entities and for various purposes.

Nonconviction data consist of all criminal history information which has not led to an adverse disposition, such as a conviction, and for which proceedings are no longer "actively pending." Proceedings are presumed to be no longer active if there has been no disposition of the case and more than one year has passed since:

- arrest;
- citation; or
- service of a warrant.

Report of Disposition Following Arrest and Fingerprinting.

Law enforcement is required to photograph and fingerprint anyone arrested for a felony or a gross misdemeanor. Within 72 hours of such an arrest, local law enforcement is required to send fingerprints and identifying information to the Washington State Patrol. In addition, the arresting agency is to initiate a "report of disposition" to record the legal procedures that follow after the arrest. The disposition report contains information prescribed by the State Patrol, including the disposition made of the case, the statutory citation for the arrest, sentence imposed if the defendant is convicted of a felony, and identification information.

Following arrest and fingerprinting, the arresting agency is to transmit the disposition report to the prosecuting attorney.

Summary of Bill:

Definition of "Nonconviction Data."

An additional event is added to those which affect the presumption that criminal proceedings are no longer "actively pending" for purposes of defining the nonconviction data portion of criminal history records. The one-year period without disposition of a case that leads to a presumption of inactivity is now measured not only from arrest, citation, or service of warrant, but also from the date a person is charged with a crime.

Report of Disposition Following Arrest and Fingerprinting.

A law enforcement agency may transmit a report of disposition to either the prosecuting attorney, the county clerk, or the appropriate court of limited jurisdiction.

Fiscal Note: Not requested.

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

Office of Program Research