

SENATE BILL REPORT

SB 5573

As Reported By Senate Committee On:
Judiciary, March 1, 1999

Title: An act relating to criminal history records.

Brief Description: Improving criminal history record dispositions.

Sponsors: Senators Horn, Johnson, Costa, Patterson and Winsley; by request of Washington State Patrol.

Brief History:

Committee Activity: Judiciary: 2/24/99, 3/1/99 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5573 be substituted therefor, and the substitute bill do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau, Zarelli.

Staff: Dick Armstrong (786-7460)

Background: The Washington State Criminal Records Privacy Act (Chapter 10.97 RCW) and the Criminal Justice Information Act (Chapter 10.98 RCW) provide for the acquisition, retention, deletion and dissemination of criminal history record information. The policy of the acts, when read together, is to ensure complete, accurate, confidential and secure criminal history.

State and local criminal justice agencies are in the process of updating electronic data bases and now have the ability to store prosecutor-filed charges— pending final disposition. At this time, pending arrest offenses— under one year old without final disposition are disseminated without restriction. Law enforcement officials want to be able to disseminate information on criminal charges in the same manner as arrest information.

The current statutory language limits the chief law enforcement officer to forwarding all criminal disposition reports to the prosecuting attorney. However, in counties where an electronic method of disposition reporting has been implemented, it may be the local practice to forward the disposition report for filed felonies directly to the county clerk. For arrests other than felonies, the disposition report is usually forwarded directly to the court of limited jurisdiction.

Summary of Substitute Bill: The word charges— is added to the statutory language of the Criminal Records Privacy Act which allows information regarding criminal charges to be disseminated in a similar manner as arrest information. The Criminal Justice Information Act is amended to allow disposition reports that are currently transmitted only to the

prosecuting attorney to be also transmitted to the county clerk or appropriate court of limited jurisdiction, whichever has authority.

Substitute Bill Compared to Original Bill: Technical amendment.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill is an attempt to conform the statutes to what can now be done in terms of transmitting information by electronic means. In addition, the current statute does not reflect the correct entity that should receive the disposition report. The bill is essentially technical in nature.

Testimony Against: None.

Testified: Eric Robertson, WSP; Debbie Wielke, County Officials.