
HOUSE BILL 1211

State of Washington

56th Legislature

1999 Regular Session

By Representatives Campbell, O'Brien, DeBolt, Sullivan, Koster, Lovick, Conway, Bush, Esser, Carrell and Dunn

Read first time 01/19/1999. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to making certain information from the central
2 registry of sex offenders available to the public; and amending RCW
3 43.43.540 and 10.97.050.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.43.540 and 1998 c 220 s 4 are each amended to read
6 as follows:

7 (1) The county sheriff shall forward the information, photographs,
8 and fingerprints obtained pursuant to RCW 9A.44.130, including any
9 notice of change of address, to the Washington state patrol within five
10 working days. The state patrol shall maintain a central registry of
11 sex offenders and kidnapping offenders required to register under RCW
12 9A.44.130 and shall adopt rules consistent with chapters 10.97, 10.98,
13 and 43.43 RCW as are necessary to carry out the purposes of RCW
14 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and
15 72.09.330.

16 (2) With regard to sex offenders, the Washington state patrol shall
17 maintain an internet site containing the following information from the
18 central registry: Name, current address, crime for which convicted,

1 and date and place of conviction. The state patrol shall make this
2 information available to the public in paper form upon request.

3 (3) The Washington state patrol shall reimburse the counties for
4 the costs of processing the offender registration, including taking the
5 fingerprints and the photographs.

6 **Sec. 2.** RCW 10.97.050 and 1990 c 3 s 129 are each amended to read
7 as follows:

8 (1) Conviction records may be disseminated without restriction.

9 (2) Any criminal history record information which pertains to an
10 incident for which a person is currently being processed by the
11 criminal justice system, including the entire period of correctional
12 supervision extending through final discharge from parole, when
13 applicable, may be disseminated without restriction.

14 (3) Criminal history record information which includes
15 nonconviction data may be disseminated by a criminal justice agency to
16 another criminal justice agency for any purpose associated with the
17 administration of criminal justice, or in connection with the
18 employment of the subject of the record by a criminal justice or
19 juvenile justice agency. A criminal justice agency may respond to any
20 inquiry from another criminal justice agency without any obligation to
21 ascertain the purpose for which the information is to be used by the
22 agency making the inquiry.

23 (4) Criminal history record information which includes
24 nonconviction data may be disseminated by a criminal justice agency to
25 implement a statute, ordinance, executive order, or a court rule,
26 decision, or order which expressly refers to records of arrest,
27 charges, or allegations of criminal conduct or other nonconviction data
28 and authorizes or directs that it be available or accessible for a
29 specific purpose.

30 (5) Criminal history record information which includes
31 nonconviction data may be disseminated to individuals and agencies
32 pursuant to a contract with a criminal justice agency to provide
33 services related to the administration of criminal justice. Such
34 contract must specifically authorize access to criminal history record
35 information, but need not specifically state that access to
36 nonconviction data is included. The agreement must limit the use of
37 the criminal history record information to stated purposes and insure

1 the confidentiality and security of the information consistent with
2 state law and any applicable federal statutes and regulations.

3 (6) Criminal history record information which includes
4 nonconviction data may be disseminated to individuals and agencies for
5 the express purpose of research, evaluative, or statistical activities
6 pursuant to an agreement with a criminal justice agency. Such
7 agreement must authorize the access to nonconviction data, limit the
8 use of that information which identifies specific individuals to
9 research, evaluative, or statistical purposes, and contain provisions
10 giving notice to the person or organization to which the records are
11 disseminated that the use of information obtained therefrom and further
12 dissemination of such information are subject to the provisions of this
13 chapter and applicable federal statutes and regulations, which shall be
14 cited with express reference to the penalties provided for a violation
15 thereof.

16 (7) Every criminal justice agency that maintains and disseminates
17 criminal history record information must maintain information
18 pertaining to every dissemination of criminal history record
19 information except a dissemination to the effect that the agency has no
20 record concerning an individual. Information pertaining to
21 disseminations shall include:

22 (a) An indication of to whom (agency or person) criminal history
23 record information was disseminated;

24 (b) The date on which the information was disseminated;

25 (c) The individual to whom the information relates; and

26 (d) A brief description of the information disseminated.

27 The information pertaining to dissemination required to be
28 maintained shall be retained for a period of not less than one year.

29 (8) In addition to the other provisions in this section allowing
30 dissemination of criminal history record information, RCW 4.24.550 and
31 43.43.540 govern((s)) dissemination of information concerning offenders
32 who commit sex offenses as defined by RCW 9.94A.030. Criminal justice
33 agencies, their employees, and officials shall be immune from civil
34 liability for dissemination on criminal history record information
35 concerning sex offenders as provided in RCW 4.24.550 and 43.43.540.

--- END ---