

---

SENATE BILL 5236

---

State of Washington

56th Legislature

1999 Regular Session

By Senators Hargrove, Long, Horn, Haugen, Zarelli, Stevens, Kline, Gardner, McCaslin, Franklin, Roach, Thibaudeau, Rossi, Oke, Winsley, Costa and Benton; by request of Department of Corrections

Read first time 01/18/1999. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to retention of records pertaining to sexually  
2 violent offenses; and amending RCW 40.14.060 and 40.14.070.

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

4 **Sec. 1.** RCW 40.14.060 and 1982 c 36 s 5 are each amended to read  
5 as follows:

6 (1) Any destruction of official public records shall be pursuant to  
7 a schedule approved under RCW 40.14.050. Official public records shall  
8 not be destroyed unless:

9 (a) Except as provided under RCW 40.14.070(2)(b), the records are  
10 six or more years old;

11 (b) The department of origin of the records has made a satisfactory  
12 showing to the state records committee that the retention of the  
13 records for a minimum of six years is both unnecessary and  
14 uneconomical, particularly if lesser federal retention periods for  
15 records generated by the state under federal programs have been  
16 established; or

17 (c) The originals of official public records less than six years  
18 old have been copied or reproduced by any photographic or other process

1 approved by the state archivist which accurately reproduces or forms a  
2 durable medium for so reproducing the original.

3 (2) Any lesser term of retention than six years must have the  
4 additional approval of the director of financial management, the state  
5 auditor and the attorney general, except when records have federal  
6 retention guidelines the state records committee may adjust the  
7 retention period accordingly. An automatic reduction of retention  
8 periods from seven to six years for official public records on record  
9 retention schedules existing on June 10, 1982, shall not be made, but  
10 the same shall be reviewed individually by the state records committee  
11 for approval or disapproval of the change to a retention period of six  
12 years.

13 Recommendations for the destruction or disposition of office files  
14 and memoranda shall be submitted to the records committee upon approved  
15 forms prepared by the records officer of the agency concerned and the  
16 archivist. The committee shall determine the period of time that any  
17 office file or memorandum shall be preserved and may authorize the  
18 division of archives and records management to arrange for its  
19 destruction or disposition.

20 **Sec. 2.** RCW 40.14.070 and 1995 c 301 s 71 are each amended to read  
21 as follows:

22 (1)(a) County, municipal, and other local government agencies may  
23 request authority to destroy noncurrent public records having no  
24 further administrative or legal value by submitting to the division of  
25 archives and records management lists of such records on forms prepared  
26 by the division. The archivist, a representative appointed by the  
27 state auditor, and a representative appointed by the attorney general  
28 shall constitute a committee, known as the local records committee,  
29 which shall review such lists and which may veto the destruction of any  
30 or all items contained therein.

31 (b) A local government agency, as an alternative to submitting  
32 lists, may elect to establish a records control program based on  
33 recurring disposition schedules recommended by the agency to the local  
34 records committee. The schedules are to be submitted on forms provided  
35 by the division of archives and records management to the local records  
36 committee, which may either veto, approve, or amend the schedule.  
37 Approval of such schedule or amended schedule shall be by unanimous  
38 vote of the local records committee. Upon such approval, the schedule

1 shall constitute authority for the local government agency to destroy  
2 the records listed thereon, after the required retention period, on a  
3 recurring basis until the schedule is either amended or revised by the  
4 committee.

5 (2)(a) Except as otherwise provided by law, no public records shall  
6 be destroyed until approved for destruction by the local records  
7 committee. Official public records shall not be destroyed unless:

8 ~~((1))~~ (i) The records are six or more years old;

9 ~~((2))~~ (ii) The department of origin of the records has made a  
10 satisfactory showing to the state records committee that the retention  
11 of the records for a minimum of six years is both unnecessary and  
12 uneconomical, particularly where lesser federal retention periods for  
13 records generated by the state under federal programs have been  
14 established; or

15 ~~((3))~~ (iii) The originals of official public records less than  
16 six years old have been copied or reproduced by any photographic,  
17 photostatic, microfilm, miniature photographic, or other process  
18 approved by the state archivist which accurately reproduces or forms a  
19 durable medium for so reproducing the original.

20 An automatic reduction of retention periods from seven to six years  
21 for official public records on record retention schedules existing on  
22 June 10, 1982, shall not be made, but the same shall be reviewed  
23 individually by the local records committee for approval or disapproval  
24 of the change to a retention period of six years.

25 The state archivist may furnish appropriate information,  
26 suggestions, and guidelines to local government agencies for their  
27 assistance in the preparation of lists and schedules or any other  
28 matter relating to the retention, preservation, or destruction of  
29 records under this chapter. The local records committee may adopt  
30 appropriate regulations establishing procedures to be followed in such  
31 matters.

32 Records of county, municipal, or other local government agencies,  
33 designated by the archivist as of primarily historical interest, may be  
34 transferred to a recognized depository agency.

35 (b) Records of investigative reports prepared by any state, county,  
36 municipal, or other law enforcement agency pertaining to a sexually  
37 violent offense as defined by RCW 71.09.020 shall not be destroyed.  
38 Records under this subsection (2)(b) that are not required in the  
39 current operation of the law enforcement agency or for pending judicial

1 proceedings shall be transferred to the Washington association of  
2 sheriffs and police chiefs for permanent retention following the  
3 expiration of the applicable schedule of the law enforcement agency's  
4 retention of the records.

--- END ---