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ENGROSSED SENATE BILL 5346

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State of Washington

56th Legislature

1999 Regular Session

By Senators Prentice, Heavey, West, Roach and Winsley

Read first time 01/20/1999. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

1 AN ACT Relating to dissemination of criminal history record  
2 information to the Washington horse racing commission; and amending RCW  
3 10.97.050.

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

5 **Sec. 1.** RCW 10.97.050 and 1990 c 3 s 129 are each amended to read  
6 as follows:

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

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

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

1 ascertain the purpose for which the information is to be used by the  
2 agency making the inquiry.

3       (4) Criminal history record information that includes nonconviction  
4 data may be disseminated by a criminal justice agency to the Washington  
5 state horse racing commission for any purpose associated with the  
6 investigation for suitability for involvement in horse racing  
7 activities authorized under chapter 67.16 RCW. The Washington state  
8 horse racing commission shall only disseminate nonconviction data  
9 obtained under this subsection to criminal justice agencies.

10       (5) Criminal history record information which includes  
11 nonconviction data may be disseminated by a criminal justice agency to  
12 implement a statute, ordinance, executive order, or a court rule,  
13 decision, or order which expressly refers to records of arrest,  
14 charges, or allegations of criminal conduct or other nonconviction data  
15 and authorizes or directs that it be available or accessible for a  
16 specific purpose.

17       (~~(5)~~) (6) Criminal history record information which includes  
18 nonconviction data may be disseminated to individuals and agencies  
19 pursuant to a contract with a criminal justice agency to provide  
20 services related to the administration of criminal justice. Such  
21 contract must specifically authorize access to criminal history record  
22 information, but need not specifically state that access to  
23 nonconviction data is included. The agreement must limit the use of  
24 the criminal history record information to stated purposes and insure  
25 the confidentiality and security of the information consistent with  
26 state law and any applicable federal statutes and regulations.

27       (~~(6)~~) (7) Criminal history record information which includes  
28 nonconviction data may be disseminated to individuals and agencies for  
29 the express purpose of research, evaluative, or statistical activities  
30 pursuant to an agreement with a criminal justice agency. Such  
31 agreement must authorize the access to nonconviction data, limit the  
32 use of that information which identifies specific individuals to  
33 research, evaluative, or statistical purposes, and contain provisions  
34 giving notice to the person or organization to which the records are  
35 disseminated that the use of information obtained therefrom and further  
36 dissemination of such information are subject to the provisions of this  
37 chapter and applicable federal statutes and regulations, which shall be  
38 cited with express reference to the penalties provided for a violation  
39 thereof.

1       (~~(7)~~) (8) Every criminal justice agency that maintains and  
2 disseminates criminal history record information must maintain  
3 information pertaining to every dissemination of criminal history  
4 record information except a dissemination to the effect that the agency  
5 has no record concerning an individual. Information pertaining to  
6 disseminations shall include:

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

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

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

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

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

14       (~~(8)~~) (9) In addition to the other provisions in this section  
15 allowing dissemination of criminal history record information, RCW  
16 4.24.550 governs dissemination of information concerning offenders who  
17 commit sex offenses as defined by RCW 9.94A.030. Criminal justice  
18 agencies, their employees, and officials shall be immune from civil  
19 liability for dissemination on criminal history record information  
20 concerning sex offenders as provided in RCW 4.24.550.

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