
SENATE BILL 5527

State of Washington 56th Legislature 1999 Regular Session

By Senators Heavey and Hochstatter

Read first time 01/26/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the deletion of nonconviction data; and amending
2 RCW 10.97.060.

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

4 **Sec. 1.** RCW 10.97.060 and 1977 ex.s. c 314 s 6 are each amended to
5 read as follows:

6 (1) Criminal history record information which consists of
7 nonconviction data only shall be ~~((subject to deletion))~~ deleted from
8 all criminal justice agency files ~~((which are available and generally~~
9 ~~searched for the purpose of responding to inquiries))~~ concerning the
10 criminal history of a named or otherwise identified individual ~~((when~~
11 ~~two years or longer have elapsed since))~~;

12 (a) Ninety days after the finding or judgment that makes the record
13 ~~((became))~~ nonconviction data as a result of the entry of a disposition
14 favorable to the defendant ~~((, or))~~ ; or

15 (b) Upon the passage of three years from the date of arrest or
16 issuance of a citation or warrant for an offense for which a conviction
17 was not obtained, unless the defendant is a fugitive ~~((, or))~~ or the case
18 is under active prosecution according to a current certification made
19 by the prosecuting attorney.

1 The court shall transmit the order to the arresting agency. The
2 arresting agency shall be responsible for transmitting the order of
3 deletion to any other agency to which the arresting agency has
4 transmitted the nonconviction data.

5 (2) Such criminal history record information consisting of
6 nonconviction data shall be deleted (~~upon the request of the person~~
7 ~~who is the subject of the record~~) ninety days after the finding or
8 judgment that makes the information nonconviction data: PROVIDED,
9 HOWEVER, That the criminal justice agency maintaining the data may, at
10 its option, refuse to make the deletion if:

11 (~~(1)~~) (a) The disposition was a deferred prosecution or similar
12 diversion of the alleged offender;

13 (~~(2)~~) (b) The person who is the subject of the record has had a
14 prior conviction for a felony or gross misdemeanor;

15 (~~(3)~~) (c) The individual who is the subject of the record has
16 been arrested for or charged with another crime during the intervening
17 period.

18 (3) Nothing in this chapter is intended to restrict the authority
19 of any court, through appropriate judicial proceedings, to order the
20 modification or deletion of a record in a particular cause or
21 concerning a particular individual or event.

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