

HOUSE BILL REPORT

SJM 8034

As Reported by House Committee On:
Judiciary

Brief Description: Requesting that the Supreme Court enter into compacts with the Tribal nations concerning criminal justice information.

Sponsors: Senators Costa, Long, Hargrove, Kastama, Kline and Winsley.

Brief History:

Committee Activity:

Judiciary: 2/28/02 [DP].

Brief Summary of Bill

- Requests the state supreme court to negotiate compacts with tribal nations for the sharing of criminal justice information.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 8 members: Representatives Lantz, Chair; Hurst, Vice Chair; Carrell, Ranking Minority Member; Dickerson, Esser, Jarrett, Lovick and Lysen.

Minority Report: Do not pass. Signed by 1 member: Representative Boldt.

Staff: Bill Perry (786-7123).

Background:

Court records are used in the criminal justice system for a variety of purposes by law enforcement agencies, prosecutors, and judges. The Washington State Supreme Court maintains the Judicial Information System (JIS) which is the repository for, among other things, criminal justice information found in court records. The JIS is a statewide network designed to connect the courts and criminal justice agencies to a common database. In particular, it allows access to and sharing of information regarding criminal, domestic violence, and protection order history.

Under federal treaties, federal statutes, and agreements with the state, as well as pursuant

to their inherent authority as sovereign nations, Indian tribes may operate their own tribal criminal justice systems with respect to some crimes and may maintain their own criminal justice information records.

The state and tribal criminal justice information systems are not connected. As a result, if a particular defendant has criminal history records in both systems, a criminal justice agency dealing with that defendant may not have access to all relevant criminal history.

Summary of Bill:

The Legislature petitions the supreme court to negotiate compacts with tribal nations for the sharing of criminal justice information. The Legislature requests that the compacts establish protocols, practices, and policies for the entry and sharing of such information, and that the compacts address issues of wrongful dissemination of information.

The Legislature also asks that the court annually report to the Governor and the Legislature regarding the compacts.

Appropriation: None.

Fiscal Note: Not Requested.

Testimony For: The state is obligated to afford full faith and credit to protection orders from tribal courts, but currently there is no mechanism for sharing information about these orders. The compacts called for by the memorial will be particularly important for dealing with domestic violence. Many of the same criminal defendants appear before both state and tribal courts. The memorial will help stop the forum shopping that sometimes goes on to avoid revealing criminal history.

Testimony Against: None.

Testified: Senator Costa, prime sponsor; Janet McLane, Administrative Office of the Courts; Betty Gould, Washington State Association of County Clerks; and Lawrence Numkiena, Puyallup Tribal Court.