

HOUSE BILL REPORT

SSB 6496

As Reported by House Committee On:
Judiciary

Title: An act relating to confidential court records.

Brief Description: Regulating access to confidential court records.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Schmidt and Eide; by request of Administrative Office of the Courts).

Brief History:

Committee Activity:

Judiciary: 2/20/04, 2/27/04 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Prohibits unauthorized use and disclosure of confidential court records by court and government employees.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Wendy Chen (786-7119); Trudes Hutcheson (786-7384).

Background:

In order to carry out court business, court personnel necessarily have access to confidential court records. Currently, no statute specifically regulates employees' access, use, or disclosure of information in such records, but statutes, court rules, and court orders regulate generally what information in a court record is confidential and what information may be disclosed and to whom. For example, a record that a person owes a support obligation is confidential, and a person who uses the information for purposes other than those specified in statute is guilty of a gross misdemeanor, as is a person who intentionally releases without authorization the results of genetic testing.

Summary of Amended Bill:

An employee of, or person under contract with, a court, county clerk's office, government agency, or the Administrative Office of the Courts who, without authorization, intentionally uses or discloses confidential court records that he or she knows to be confidential is guilty of a gross misdemeanor.

A court record is confidential if access is restricted by statute, court order, or court rules. A person may be authorized to use or disclose a confidential record for a specified use pursuant to official court business, a court order, rule, or statute, or a contractual agreement between the record's official custodian and the employee.

Amended Bill Compared to Substitute Bill:

The provision making it a gross misdemeanor for an employee to access, without using or disclosing, a confidential court record without authorization is removed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Because court employees have access to sensitive information, this bill is necessary to prevent a rogue employee from disclosing confidential information, and to prevent identity theft. It might be helpful to clarify the bill to expressly permit an employee to use any information that he or she would otherwise have access to, notwithstanding his or her employment, as the employee sees fit.

Testimony Against: None.

Persons Testifying: Kip Stiliz, Washington State Judicial Information Systems Committee.

Persons Signed In To Testify But Not Testifying: None.