
SUBSTITUTE SENATE BILL 6276

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser and Eide)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to reporting of certain criminal charges against
2 physicians; amending RCW 10.97.040; and adding a new section to chapter
3 10.97 RCW.

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

5 **Sec. 1.** RCW 10.97.040 and 1979 ex.s. c 36 s 2 are each amended to
6 read as follows:

7 No criminal justice agency shall disseminate criminal history
8 record information pertaining to an arrest, detention, indictment,
9 information, or other formal criminal charge made after December 31,
10 1977, unless the record disseminated states the disposition of such
11 charge to the extent dispositions have been made at the time of the
12 request for the information: PROVIDED, HOWEVER, That if a disposition
13 occurring within ten days immediately preceding the dissemination has
14 not been reported to the agency disseminating the criminal history
15 record information, or if information has been received by the agency
16 within the seventy-two hours immediately preceding the dissemination,
17 that information shall not be required to be included in the
18 dissemination: PROVIDED, HOWEVER, That if in the course of an
19 investigation it becomes apparent that the suspect is a physician

1 licensed by this state, the criminal justice agency conducting the
2 investigation shall provide the department of health with criminal
3 history record information of the physician pertaining to an arrest,
4 detention, indictment, information, or other formal criminal charge
5 related to a violation of chapter 9A.32, 9A.44, 9A.60, or 69.50 RCW:
6 PROVIDED FURTHER, That when another criminal justice agency requests
7 criminal history record information, the disseminating agency may
8 disseminate specific facts and incidents which are within its direct
9 knowledge without furnishing disposition data as otherwise required by
10 this section, unless the disseminating agency has received such
11 disposition data from either: (1) the state patrol, or (2) the court
12 or other criminal justice agency required to furnish disposition data
13 pursuant to RCW 10.97.045.

14 No criminal justice agency shall disseminate criminal history
15 record information which shall include information concerning a felony
16 or gross misdemeanor without first making inquiry of the identification
17 section of the Washington state patrol for the purpose of obtaining the
18 most current and complete information available, unless one or more of
19 the following circumstances exists:

20 (1) The information to be disseminated is needed for a purpose in
21 the administration of criminal justice for which time is of the essence
22 and the identification section is technically or physically incapable
23 of responding within the required time;

24 (2) The full information requested and to be disseminated relates
25 to specific facts or incidents which are within the direct knowledge of
26 the agency which disseminates the information;

27 (3) The full information requested and to be disseminated is
28 contained in a criminal history record information summary received
29 from the identification section by the agency which is to make the
30 dissemination not more than thirty days preceding the dissemination to
31 be made;

32 (4) The statute, executive order, court rule, or court order
33 pursuant to which the information is to be disseminated refers solely
34 to information in the files of the agency which makes the
35 dissemination;

36 (5) The information requested and to be disseminated is for the
37 express purpose of research, evaluative, or statistical activities to

1 be based upon information maintained in the files of the agency or
2 agencies from which the information is directly sought; or

3 (6) A person who is the subject of the record requests the
4 information and the agency complies with the requirements in RCW
5 10.97.080 as now or hereafter amended.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.97 RCW
7 to read as follows:

8 Notwithstanding RCW 10.97.040, criminal justice agencies shall,
9 within thirty days of the action, provide criminal history record
10 information of physicians pertaining to an arrest, detention,
11 indictment, information, or other formal criminal charge, to the
12 department of health related to violations of chapters 9A.32, 9A.44,
13 9A.60, and 69.50 RCW.

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