

SSB 5899 - H AMD TO CJC COMM AMD (H-2837.3/05)
By Representative Appleton

1 On page 2, line 36 of the striking amendment, after "law"
2 insert "and the record does not include offenses for which a person
3 has been found exonerated or not charged"

4 On page 12, after line 33 of the striking amendment, insert
5 "**Sec. 9.** RCW 10.97.050 and 1990 c 3 s 129 are each amended to
6 read as follows:

- 7 (1) Conviction records may be disseminated without restriction.
- 8 (2) Any criminal history record information which pertains to
9 an incident for which a person is currently being processed by the
10 criminal justice system, including the entire period of
11 correctional supervision extending through final discharge from
12 parole, when applicable, may be disseminated without restriction.
13 The criminal history record information shall not include any
14 offense for which a person has been found exonerated or not
15 charged.

16 (3) Criminal history record information which includes
17 nonconviction data may be disseminated by a criminal justice agency
18 to another criminal justice agency for any purpose associated with
19 the administration of criminal justice, or in connection with the
20 employment of the subject of the record by a criminal justice or
21 juvenile justice agency. A criminal justice agency may respond to
22 any inquiry from another criminal justice agency without any
23 obligation to ascertain the purpose for which the information is to
24 be used by the agency making the inquiry.

25 (4) Criminal history record information which includes
26 nonconviction data may be disseminated by a criminal justice agency
27 to implement a statute, ordinance, executive order, or a court
28 rule, decision, or order which expressly refers to records of
29 arrest, charges, or allegations of criminal conduct or other

1 nonconviction data and authorizes or directs that it be available
2 or accessible for a specific purpose.

3 (5) Criminal history record information which includes
4 nonconviction data may be disseminated to individuals and agencies
5 pursuant to a contract with a criminal justice agency to provide
6 services related to the administration of criminal justice. Such
7 contract must specifically authorize access to criminal history
8 record information, but need not specifically state that access to
9 nonconviction data is included. The agreement must limit the use
10 of the criminal history record information to stated purposes and
11 insure the confidentiality and security of the information
12 consistent with state law and any applicable federal statutes and
13 regulations.

14 (6) Criminal history record information which includes
15 nonconviction data may be disseminated to individuals and agencies
16 for the express purpose of research, evaluative, or statistical
17 activities pursuant to an agreement with a criminal justice agency.
18 Such agreement must authorize the access to nonconviction data,
19 limit the use of that information which identifies specific
20 individuals to research, evaluative, or statistical purposes, and
21 contain provisions giving notice to the person or organization to
22 which the records are disseminated that the use of information
23 obtained therefrom and further dissemination of such information
24 are subject to the provisions of this chapter and applicable
25 federal statutes and regulations, which shall be cited with express
26 reference to the penalties provided for a violation thereof.

27 (7) Every criminal justice agency that maintains and
28 disseminates criminal history record information must maintain
29 information pertaining to every dissemination of criminal history
30 record information except a dissemination to the effect that the
31 agency has no record concerning an individual. Information
32 pertaining to disseminations shall include:

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

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

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

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

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

4 (8) In addition to the other provisions in this section
5 allowing dissemination of criminal history record information, RCW
6 4.24.550 governs dissemination of information concerning offenders
7 who commit sex offenses as defined by RCW 9.94A.030. Criminal
8 justice agencies, their employees, and officials shall be immune
9 from civil liability for dissemination on criminal history record
10 information concerning sex offenders as provided in RCW 4.24.550."

11 Renumber the remaining section consecutively.

EFFECT: Clarifies and explicitly states that a conviction
record cannot include offenses for which a person has been
exonerated or not charged.