

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 "The record does not include offenses for which a person has
3 been exonerated. As used in this subsection, "exonerated" means to
4 be freed from a question of guilt or absolved from all question of
5 blame."

6 On page 12, after line 33 of the striking amendment, insert
7 "**Sec. 8.** RCW 10.97.050 and 1990 c 3 s 129 are each amended to
8 read as follows:

9 (1) Conviction records may be disseminated without restriction.

10 (2) Any criminal history record information which pertains to
11 an incident for which a person is currently being processed by the
12 criminal justice system, including the entire period of
13 correctional supervision extending through final discharge from
14 parole, when applicable, may be disseminated without restriction.
15 The criminal history record information shall not include any
16 offense where a person has been exonerated. As used in this
17 subsection, "exonerated" means to be freed from a question of guilt
18 or absolved from all question of blame.

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

28 (4) Criminal history record information which includes
29 nonconviction data may be disseminated by a criminal justice agency
30 to implement a statute, ordinance, executive order, or a court

1 rule, decision, or order which expressly refers to records of
2 arrest, charges, or allegations of criminal conduct or other
3 nonconviction data and authorizes or directs that it be available
4 or accessible for a specific purpose.

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

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

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

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

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

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

39 (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: States that specific conviction or criminal history
records cannot include offenses for which a person has been
exonerated. "Exonerated" means to be freed from a question of
guilt or absolved from all question of blame.