

HOUSE BILL REPORT

HB 1337

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to storage of sex offender records.

Brief Description: Regulating storage of sex offender records.

Sponsors: Representatives O'Brien, Pearson and Darneille.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/3/05, 2/10/05 [DPS].

Brief Summary of Substitute Bill

- Requires that sealed electronic records of sex offenders held for permanent retention are marked as sealed.
- Limits access to sealed records to criminal justice agencies.
- Permits for the destruction of electronic and paper copies of sex offender records when the offender is deceased.
- Provides the end-of-sentence review committee with access to sealed and unsealed records for purposes of end-of-sentence review.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Erik Van Hagen (786-5793), Yvonne Walker (786-7841).

Background:

Records of investigative reports prepared by law enforcement pertaining to sex offenders are transferred to the Washington Association of Sheriffs and Police Chiefs (WASPC) for permanent electronic retention and retrieval once the records are no longer needed by law enforcement or for judicial proceedings. The WASPC is permitted to destroy the paper record

if an electronic copy is made. Once a record is transferred in this manner, the record is no longer considered a public record and is exempt from public disclosure. Such records may only be disclosed to criminal justice agencies to determine if a sex offender meets the criteria of a sexually violent predator.

Summary of Substitute Bill:

If a record transferred to the WASPC for permanent retention is sealed at the time of transfer or becomes sealed after the transfer, it must be retained in a way that ensures the record is clearly marked as sealed. Records marked as sealed are only accessible to: (1) criminal justice agencies that would otherwise have access to a sealed copy of the document; (2) the end-of-sentence review committee for the purpose of end-of-sentence review for sex offenders; and (3) system administrators for the purpose of system administration and maintenance. The WASPC is permitted to destroy paper and electronic records of any offender verified as deceased. The end-of-sentence review committee is permitted to access records of sex offenders transferred to the WASPC for permanent retention for the purpose of end-of-sentence review for sex offenders.

Substitute Bill Compared to Original Bill:

The substitute bill provides the end-of-sentence review committee with access to sealed and unsealed records for the purpose of end-of-sentence review.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Original bill) This is a housekeeping bill that will ensure that sealed documents are marked as sealed when retained for permanent storage and procedures are in place for handling sealed records. The bill will also save space by removing the records of deceased offenders.

(Concerns) That end-of-sentence review committee needs to have access to these records.

Testimony Against: None.

Persons Testifying: (In support of original bill) James McMahan, Washington Association of Sheriffs and Police Chiefs.

(Concerns) Victoria Roberts, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.