

HOUSE BILL REPORT

HB 2223

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to fees charged to law enforcement agencies for certified copies of records concerning sex offenders.

Brief Description: Prohibiting charging clerk's fees to law enforcement agencies for records concerning sex offenders.

Sponsors: Representative O'Brien.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/1/05 [DPS].

Brief Summary of Substitute Bill

- Prohibits public agencies from charging a fee to law enforcement for copies of records of sex offenders.

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) and Yvonne Walker (786-7131).

Background:

Superior court clerks collect fees on a variety of court filings. This includes fees for such filings as petitions for unlawful harassment, probate proceedings, initial filings in civil actions, a petition to contest a will, and others. A court may waive these filing fees if a party is unable to pay the fee. The revenue collected from these fees is divided between the State Public Safety and Education Account and the county or regional law library fund. Local courts also charge fees for copies of court documents and files. For the first page of a document, a fee of \$2 is charged. For each additional page, \$1 must be charged. These fees are not distributed between the Public Safety and Education Account and the county or regional law library fund, but rather remain with the county.

Local law enforcement agencies are responsible for notifying communities that a sex offender has moved into an area. The level of notification varies depending on the risk level of the offender.

Summary of Substitute Bill:

Public agencies are prohibited from charging a law enforcement agency for preparing, copying, or mailing records when these records are necessary for either a risk assessment of a sex offender, maintenance of a sex offender registration file, or preparation of a case for failure to register as a sex offender.

Substitute Bill Compared to Original Bill:

The substitute bill moves the provision that exempts public agencies from charging law enforcement for copies of sex offender records into the section of the RCW that deals with charges for copies by local courts, rather than the section that deals with filing fees.

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: There are over 19,000 sex offenders in the State of Washington. It takes incredible effort to keep up with this many offenders and ensure they are registered. Copies of court records are necessary for charging offenders for failing to register. Courts charge law enforcement for copies of records when requested by police officials in other counties. In order to avoid these charges, local police departments will retrieve copies of court records from their local courts and send them to the local police departments in other counties that need the records in order to avoid a charge. This wastes valuable time that could otherwise be used tracking sex offenders. The exemption in this bill will solve this problem and help law enforcement do their job.

Testimony Against: None.

Persons Testifying: Detective Bob Shilling, Seattle Police Department; and Larry Ericksen, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.