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**SUBSTITUTE HOUSE BILL 1337**

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**State of Washington                      59th Legislature                      2005 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Pearson and Darneille)

READ FIRST TIME 02/14/05.

1            AN ACT Relating to storage of sex offender records; and amending  
2            RCW 40.14.070.

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

4            **Sec. 1.** RCW 40.14.070 and 2003 c 240 s 1 are each amended to read  
5            as follows:

6            (1)(a) County, municipal, and other local government agencies may  
7            request authority to destroy noncurrent public records having no  
8            further administrative or legal value by submitting to the division of  
9            archives and records management lists of such records on forms prepared  
10           by the division. The archivist, a representative appointed by the  
11           state auditor, and a representative appointed by the attorney general  
12           shall constitute a committee, known as the local records committee,  
13           which shall review such lists and which may veto the destruction of any  
14           or all items contained therein.

15           (b) A local government agency, as an alternative to submitting  
16           lists, may elect to establish a records control program based on  
17           recurring disposition schedules recommended by the agency to the local  
18           records committee. The schedules are to be submitted on forms provided  
19           by the division of archives and records management to the local records

1 committee, which may either veto, approve, or amend the schedule.  
2 Approval of such schedule or amended schedule shall be by unanimous  
3 vote of the local records committee. Upon such approval, the schedule  
4 shall constitute authority for the local government agency to destroy  
5 the records listed thereon, after the required retention period, on a  
6 recurring basis until the schedule is either amended or revised by the  
7 committee.

8 (2)(a) Except as otherwise provided by law, no public records shall  
9 be destroyed until approved for destruction by the local records  
10 committee. Official public records shall not be destroyed unless:

11 (i) The records are six or more years old;

12 (ii) The department of origin of the records has made a  
13 satisfactory showing to the state records committee that the retention  
14 of the records for a minimum of six years is both unnecessary and  
15 uneconomical, particularly where lesser federal retention periods for  
16 records generated by the state under federal programs have been  
17 established; or

18 (iii) The originals of official public records less than six years  
19 old have been copied or reproduced by any photographic, photostatic,  
20 microfilm, miniature photographic, or other process approved by the  
21 state archivist which accurately reproduces or forms a durable medium  
22 for so reproducing the original.

23 An automatic reduction of retention periods from seven to six years  
24 for official public records on record retention schedules existing on  
25 June 10, 1982, shall not be made, but the same shall be reviewed  
26 individually by the local records committee for approval or disapproval  
27 of the change to a retention period of six years.

28 The state archivist may furnish appropriate information,  
29 suggestions, and guidelines to local government agencies for their  
30 assistance in the preparation of lists and schedules or any other  
31 matter relating to the retention, preservation, or destruction of  
32 records under this chapter. The local records committee may adopt  
33 appropriate regulations establishing procedures to be followed in such  
34 matters.

35 Records of county, municipal, or other local government agencies,  
36 designated by the archivist as of primarily historical interest, may be  
37 transferred to a recognized depository agency.

1 (b)(i) Records of investigative reports prepared by any state,  
2 county, municipal, or other law enforcement agency pertaining to sex  
3 offenders contained in chapter 9A.44 RCW or sexually violent offenses  
4 as defined in RCW 71.09.020 that are not required in the current  
5 operation of the law enforcement agency or for pending judicial  
6 proceedings shall, following the expiration of the applicable schedule  
7 of the law enforcement agency's retention of the records, be  
8 transferred to the Washington association of sheriffs and police chiefs  
9 for permanent electronic retention and retrieval. Upon electronic  
10 retention of any document, the association shall be permitted to  
11 destroy the paper copy of the document.

12 (ii) Any sealed record transferred to the Washington association of  
13 sheriffs and police chiefs for permanent electronic retention and  
14 retrieval, including records sealed after transfer, shall be  
15 electronically retained in such a way that the record is clearly marked  
16 as sealed.

17 (iii) The Washington association of sheriffs and police chiefs  
18 shall be permitted to destroy both the paper copy and electronic record  
19 of any offender verified as deceased.

20 (c) Any record transferred to the Washington association of  
21 sheriffs and police chiefs pursuant to (b) of this subsection shall be  
22 deemed to no longer constitute a public record pursuant to RCW  
23 42.17.020 and shall be exempt from public disclosure. Such records  
24 shall be disseminated only to criminal justice agencies as defined in  
25 RCW 10.97.030 for the purpose of determining if a sex offender met the  
26 criteria of a sexually violent predator as defined in chapter 71.09 RCW  
27 and the end-of-sentence review committee as defined by RCW 72.09.345  
28 for the purpose of fulfilling its duties under RCW 71.09.025 and  
29 9.95.420.

30 Electronic records marked as sealed shall only be accessible by  
31 criminal justice agencies as defined in RCW 10.97.030 who would  
32 otherwise have access to a sealed paper copy of the document, the end-  
33 of-sentence review committee as defined by RCW 72.09.345 for the  
34 purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420, and  
35 the system administrator for the purposes of system administration and  
36 maintenance.

37 (3) Except as otherwise provided by law, county, municipal, and  
38 other local government agencies may, as an alternative to destroying

1 noncurrent public records having no further administrative or legal  
2 value, donate the public records to the state library, local library,  
3 historical society, genealogical society, or similar society or  
4 organization.

5 Public records may not be donated under this subsection unless:

6 (a) The records are seventy years old or more;

7 (b) The local records committee has approved the destruction of the  
8 public records; and

9 (c) The state archivist has determined that the public records have  
10 no historic interest.

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