

SENATE BILL REPORT

SB 5558

As Reported by Senate Committee On:
Human Services & Corrections, February 17, 2011

Title: An act relating to the dissemination of juvenile records by consumer reporting agencies.

Brief Description: Regulating dissemination of juvenile records by consumer reporting agencies.

Sponsors: Senators Hargrove, Regala and Harper.

Brief History:

Committee Activity: Human Services & Corrections: 2/10/11, 2/17/11 [DPS-WM, w/oRec].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5558 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Harper and McAuliffe.

Minority Report: That it be referred without recommendation.

Signed by Senators Stevens, Ranking Minority Member; Baxter and Carrell.

Staff: Jennifer Strus (786-7316)

Background: Interested parties can obtain access to unsealed juvenile records in four ways:

- in-person visits to the courthouse from which a person can obtain information about individual records at no cost;
- through a state-run public website offering limited information about juvenile records at no cost;
- purchasing a subscription to the Judicial Information Service (JIS)-Link which offers full information about individual records; and
- purchasing from a consumer reporting agency full information about a juvenile record.

When juvenile records are sold to consumer reporting agencies there are several issues that arise:

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- A time lag exists between when a record is ordered sealed by a court and when consumer reporting agencies update their record information; this lag can result in reporting of sealed juvenile records.
- There is no way to correct the inaccuracies in a direct manner once that information has been provided to third parties like consumer reporting agencies.
- Youth have no remedy against consumer reporting agencies when inaccurate or sealed record information is released to the public.

Summary of Bill (Recommended Substitute): A consumer reporting agency that collects personally identifying information pertaining to juvenile records about an individual residing in Washington may not disseminate that information, including the existence or nonexistence of the record, to any third party. A consumer reporting agency may disseminate de-identified information for social science research, trend data, and generalized aggregation purposes. A de-identified record is one in which the name, address, and personally identifiable information has been removed.

The Judicial Information System (JIS) Committee may establish a fee schedule to provide information services, and may enter into contracts with any public entity. All monies received from noncourt public entity users is to be deposited into the JIS account. The JIS cannot be used to disseminate any juvenile record, nor can the JIS charge any private entity fees to provide them with juvenile court record information for the purpose of disseminating that information to credit reporting agencies or other private entities.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): The ability of JIS Committee to enter into information services contracts with persons and private entities is removed. The monies deposited into the JIS account can only come from noncourt private entity users. JIS cannot be used to disseminate any juvenile record information nor can fees be charged to private entities to obtain juvenile court record information in order to disseminate it to consumer reporting agencies or other private entities. The provision making a violation of this act subject to the Consumer Protection Act is removed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: When a juvenile exits the system, they are often crippled by their record. They have no ability to explain or correct the record if there are inaccuracies involved. Provides a cause of action under the Consumer Protection Act. The amount of the fiscal impact to the AGO will depend on how many cases they take under the CPA. It is discretionary on the AG's part whether to bring a case under that law so if there are limited funds to do so, they need not. When I was in college I applied for 35 jobs, I got three calls back and one interview. The interview was great and they asked me if I had ever been convicted. She explained her entire juvenile crime situation including

that she was in JRA until she was 21. They would have found out pursuant to a background check anyway so she told them everything. They could not hire her. She also applied to rent an apartment when she got to Washington State University but could not pass the background check because of her juvenile record. If a juvenile who has made mistakes wants to turn his or her life around, we need to help them do so and not put up barriers to their success. Time lag issues are a national concern.

CON: This language should be codified under RCW 19.182 the state Fair Credit Reporting Act. Not sure why credit reporting agencies are being singled out. The Legislature has made juvenile records public. In the old days, these agencies went courthouse to courthouse to get the records; now they subscribe to the JIS and get the same information electronically. There are juvenile who commit pretty bad crimes and that information should be available to prospective employers, landlords etc. Employers think this information has probative value. This bill does not plug the entire hole.

Persons Testifying: PRO: Kirsten Naito, Mike Felton, University of Washington (UW) Legislative Clinic; Starcia Ague, UW.

CON: Cliff Webster, Consumer Data Industry Association.