
SENATE BILL 5848

State of Washington

68th Legislature

2024 Regular Session

By Senators Lovick, Dhingra, Hasegawa, and Pedersen; by request of Administrative Office of the Courts

Prefiled 12/14/23. Read first time 01/08/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to information sharing and limited investigative
2 authority of supreme court bailiffs; amending RCW 10.97.050; and
3 adding a new section to chapter 2.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.04 RCW
6 to read as follows:

7 (1) Bailiffs of the supreme court are authorized to conduct
8 threat assessments on behalf of supreme court justices. The supreme
9 court shall ensure that supreme court bailiffs are qualified by
10 training and experience.

11 (2) Bailiffs of the supreme court are authorized to receive
12 criminal history record information that includes nonconviction data
13 for any purpose associated with the investigation of any person
14 making a threat against a supreme court justice. Dissemination or use
15 of criminal history records or nonconviction data for purposes other
16 than authorized in this section is prohibited.

17 (3) Founded threats investigated under this section must be
18 referred to local law enforcement for further action. Local law
19 enforcement is authorized to report the outcome and any anticipated
20 action to bailiffs of the supreme court.

1 **Sec. 2.** RCW 10.97.050 and 2023 c 26 s 1 are each amended to read
2 as follows:

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

4 (2) Any criminal history record information which pertains to an
5 incident that occurred within the last twelve months for which a
6 person is currently being processed by the criminal justice system,
7 including the entire period of correctional supervision extending
8 through final discharge from parole, when applicable, may be
9 disseminated without restriction.

10 (3) Criminal history record information which includes
11 nonconviction data may be disseminated by a criminal justice agency
12 to another criminal justice agency for any purpose associated with
13 the administration of criminal justice, or in connection with the
14 employment of the subject of the record by a criminal justice or
15 juvenile justice agency, except as provided under RCW 13.50.260. A
16 criminal justice agency may respond to any inquiry from another
17 criminal justice agency without any obligation to ascertain the
18 purpose for which the information is to be used by the agency making
19 the inquiry.

20 (4) Criminal history record information which includes
21 nonconviction data may be disseminated by a criminal justice agency
22 to implement a statute, ordinance, executive order, or a court rule,
23 decision, or order which expressly refers to records of arrest,
24 charges, or allegations of criminal conduct or other nonconviction
25 data and authorizes or directs that it be available or accessible for
26 a specific purpose.

27 (5) Criminal history record information which includes
28 nonconviction data may be disseminated to individuals and agencies
29 pursuant to a contract with a criminal justice agency to provide
30 services related to the administration of criminal justice. Such
31 contract must specifically authorize access to criminal history
32 record information, but need not specifically state that access to
33 nonconviction data is included. The agreement must limit the use of
34 the criminal history record information to stated purposes and insure
35 the confidentiality and security of the information consistent with
36 state law and any applicable federal statutes and regulations.

37 (6) Criminal history record information which includes
38 nonconviction data may be disseminated to individuals and agencies
39 for the express purpose of research, evaluative, or statistical
40 activities pursuant to an agreement with a criminal justice agency.

1 Such agreement must authorize the access to nonconviction data, limit
2 the use of that information which identifies specific individuals to
3 research, evaluative, or statistical purposes, and contain provisions
4 giving notice to the person or organization to which the records are
5 disseminated that the use of information obtained therefrom and
6 further dissemination of such information are subject to the
7 provisions of this chapter and applicable federal statutes and
8 regulations, which shall be cited with express reference to the
9 penalties provided for a violation thereof.

10 (7) Criminal history record information that includes
11 nonconviction data may be disseminated to the state auditor solely
12 for the express purpose of conducting a process compliance audit
13 procedure and review of any deadly force investigation pursuant to
14 RCW 43.101.460. Dissemination or use of nonconviction data for
15 purposes other than authorized in this subsection is prohibited.

16 (8) Criminal history record information that includes
17 nonconviction data may be disseminated to bailiffs of the supreme
18 court solely for the express purpose of investigations under section
19 1 of this act. Dissemination or use of nonconviction data for
20 purposes other than authorized in this subsection is prohibited.

21 (9) Every criminal justice agency that maintains and disseminates
22 criminal history record information must maintain information
23 pertaining to every dissemination of criminal history record
24 information except a dissemination to the effect that the agency has
25 no record concerning an individual. Information pertaining to
26 disseminations shall include:

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

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

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

31 (d) A brief description of the information disseminated.

32 The information pertaining to dissemination required to be
33 maintained shall be retained for a period of not less than one year.

34 ((+9)) (10) In addition to the other provisions in this section
35 allowing dissemination of criminal history record information, RCW
36 4.24.550 governs dissemination of information concerning offenders
37 who commit sex offenses as defined by RCW 9.94A.030. Criminal justice
38 agencies, their employees, and officials shall be immune from civil

1 liability for dissemination on criminal history record information
2 concerning sex offenders as provided in RCW 4.24.550.

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