

HOUSE BILL REPORT

HB 1893

As Passed Legislature

Title: An act relating to records of the Department of Corrections.

Brief Description: Authorizing the secretary of corrections to delegate authority to certify records and documents.

Sponsors: Representatives Ballasiotes and Blanton.

Brief History:

Committee Activity:

Corrections: 1/27/95, 2/21/95 [DP].

Floor Activity:

Passed House: 3/8/95, 96-0.

Passed Legislature.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass. Signed by 10 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff and Schoesler.

Staff: Rick Neidhardt (786-7841).

Background: The Department of Corrections' records contain information on inmates serving sentences in state prisons. From time to time the department receives subpoenas to have its records certified so they can be used in court hearings. Records of public agencies are admissible in court when they are certified by the officers having by law the custody of those records.

Current law does not expressly authorize the secretary of the department to delegate to other department employees the authority to certify and maintain custody of the department's records and files. Accordingly, there is a concern that the secretary might have to personally certify department records before they could be admitted in court.

Current law does not authorize the department to charge any fees for its costs involved in certifying and transmitting records.

Summary of Bill: The secretary of the department is authorized to delegate to department employees the authority to certify and maintain custody of the department's records and files.

The department may charge reasonable fees when it reproduces, ships and certifies its records.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: None. (With regard to the earlier bill on this subject, HB 1128, testimony was presented as to the necessity for department employees other than the secretary to have authority to certify and maintain custody of department records.)

Testimony Against: None. (Testimony on the earlier bill on this subject, HB 1128, included objections that the bill unnecessarily and unjustifiably expanded the admissibility of department records in court. The current bill does not include the language that was the source of the objections.)

Testified: None.