

# SENATE BILL REPORT

## HB 1893

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As Reported By Senate Committee On:  
Human Services & Corrections, March 30, 1995

**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:** Human Services & Corrections: 3/21/95, 3/30/95 [DP].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Palmer, Prentice, Schow, Smith and Strannigan.

**Staff:** Andrea McNamara (786-7483)

**Background:** The Department of Corrections keeps records on all inmates confined within its institutions. From time to time, the department receives subpoenas requesting certified copies of these records so the records can be used in court proceedings. Records of public agencies that are certified by the official custodian of the records are admissible as evidence.

Subpoena requests have increased since the passage of Initiative 593 ("Three Strikes and You're Out!") as prosecutors seek to introduce into evidence the prior criminal records of offenders for the purposes of documenting previous convictions.

Current law does not clearly identify who within the department has the authority to certify and maintain department records. Accordingly, there is some concern that the secretary must personally certify the records and attend court hearings before they can be properly admitted into evidence.

Current law also does not expressly authorize the department to charge any fees for the costs it incurs 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 for copying, certifying, and mailing documents in the department's files.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This bill will assist the department in addressing some uncertainties in current law.

**Testimony Against:** None.

**Testified:** Tom Rolfs, Director, Division of Prisons (pro).