

HOUSE BILL REPORT

SSB 5573

As Reported By House Committee On:
Judiciary

Title: An act relating to criminal history records.

Brief Description: Improving criminal history record dispositions.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Horn, Johnson, Costa, Patterson and Winsley; by request of Washington State Patrol).

Brief History:

Committee Activity:

Judiciary: 4/1/99 [DP].

Brief Summary of Substitute Bill

- Adds the time of filing of criminal charges to the events one year after which there is a presumption that criminal proceedings are no longer pending if no disposition of the case has been reached.
- Allows law enforcement to send a report of disposition of a criminal case to either the prosecutor or the court, whichever is responsible for further transmittal of the report to the Washington State Patrol.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Bill Perry (786-7123).

Background:

Definition of "Nonconviction Data."

"Criminal history record information" consists of "conviction records" and "nonconviction data" that are held by a criminal justice agency other than a court. Conviction records may be disseminated by a criminal justice agency without restriction. On the other hand, specific rules apply to the dissemination of nonconviction data to various entities and for various purposes.

Nonconviction data consist of all criminal history information which has not led to an adverse disposition, such as a conviction, and for which proceedings are no longer "actively pending." Proceedings are presumed to be no longer active if there has been no disposition of the case and more than one year has passed since:

- arrest;
- citation; or
- service of a warrant.

Report of Disposition Following Arrest and Fingerprinting.

Law enforcement is required to photograph and fingerprint anyone arrested for a felony or a gross misdemeanor. Within 72 hours of such an arrest, local law enforcement is required to send fingerprints and identifying information to the Washington State Patrol. In addition, the arresting agency is to initiate a "report of disposition" to record the legal procedures that follow after the arrest. The disposition report contains information prescribed by the State Patrol, including the disposition made of the case, the statutory citation for the arrest, sentence imposed if the defendant is convicted of a felony, and identification information.

Following arrest and fingerprinting, the arresting agency is to transmit the disposition report to the prosecuting attorney.

Summary of Bill:

Definition of "Nonconviction Data."

An additional event is added to those which affect the presumption that criminal proceedings are no longer "actively pending" for purposes of defining the nonconviction data portion of criminal history records. The one-year period without disposition of a case that leads to a presumption of inactivity is now measured not only from arrest, citation, or service of warrant, but also from the date a person is charged with a crime.

Report of Disposition Following Arrest and Fingerprinting.

A law enforcement agency may transmit a report of disposition to either the prosecuting attorney, the county clerk, or the appropriate court of limited jurisdiction, whichever is responsible for sending the report to the State Patrol.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill allows use of modern records management practices.

Testimony Against: None.

Testified: Captain Eric Robertson, Washington State Patrol.