

SENATE BILL REPORT

SHB 1617

As Reported by Senate Committee On:
Law & Justice, March 19, 2015

Title: An act relating to the courts' consultation of the judicial information system before granting orders.

Brief Description: Concerning the use of the judicial information system by courts before granting certain orders.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Rodne, Goodman and Jinkins).

Brief History: Passed House: 3/09/15, 92-6.

Committee Activity: Law & Justice: 3/16/15, 3/19/15 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Aldo Melchiori (786-7439)

Background: The Judicial Information System (JIS) is an information system for courts in Washington. The JIS contains information regarding family law actions and other civil cases, criminal history, pending criminal charges, and outstanding warrants. The JIS also includes information relating to protection, no-contact, and restraining orders, including those issued in proceedings involving domestic violence, sexual assault, harassment, family law, and vulnerable adults. Information related to these orders includes the names of the parties, the cause number, the criminal histories of the parties, and any other relevant information necessary to assist courts.

Rules regarding ex parte communications prohibit judges from receiving or seeking factual information from outside of the record of a pending case except in limited situations, including when authorized by law to do so. Courts are statutorily required or permitted to consult the JIS in certain circumstances, for example, when entering orders for permanent parenting plans or child custody, and when entering certain protection orders.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Prior to entering certain types of orders, the court may consult the JIS or related databases, if available, to review criminal history or to determine whether other proceedings involving the parties are pending. Specifically, the court may consult the JIS or another database when granting any of the following orders:

- any temporary or final order establishing a parenting plan, making a residential determination concerning a child, or restricting a party's contact with a child;
- any order regarding a vulnerable child or adult, or a person who is an alleged incapacitated person in a guardianship proceeding, regardless of the type of order;
- an order granting letters of guardianship or appointing an administrator of an estate;
- any order granting relief under the title of the RCW regarding mental illness, which encompasses civil commitment, sexually violent predators, and related matters;
- any order granting relief in a juvenile proceeding;
- an order of protection or criminal no-contact order for sexual assault, stalking, antiharassment, or domestic violence, or a foreign protection order; and
- any order of protection, temporary order of protection, or no-contact order.

In the event that the court consults the JIS or a related database, the court must disclose to the parties the fact that the database was consulted. In addition the court must disclose any matters that the court relied upon in rendering a decision, and file a copy of the document relied upon within the court file. The document must be filed as a confidential document with any confidential contact or location information redacted.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: None.

Persons Testifying: No one.

Persons Signed In To Testify But Not Testifying: PRO: Judge Kathryn J. Nelson, Superior Court Judges Assn.