WAC 446-75-070 Expungement of DNA data. An applicant may request the patrol to expunge his or her DNA record from the patrol's DNA identification system. The request must comply with this subsection and be mailed or delivered to the Washington State Patrol Crime Laboratory Division Headquarters, 2203 Airport Way S., Suite 250, Seattle, WA 98134.

(1) An applicant's expungement request must:

(a) Be in writing and include the applicant's printed name, signature, address, and thumbprints; and

(b) Include certified copies of final court orders vacating a conviction that required the applicant to submit a biological sample under RCW 43.43.754. The order vacating the conviction must be based on a reversal of the conviction. The patrol will not expunge a sample based on a dismissal entered after a period of probation, suspension, or deferral of sentence.

(2) The patrol may require the applicant to provide additional information that is necessary to determine or verify that the applicant qualifies for expungement.

(3) After the patrol determines that the applicant qualifies for expungement, the patrol will:

(a) Destroy the applicant's biological sample and expunge the DNA record from the patrol's DNA identification system unless the patrol determines that the applicant is required to submit a DNA sample pursuant to RCW 43.43.754.

(b) Remove the applicant's identifying information from the laboratory's case management system.

(4) The patrol is not required to destroy an item of physical evidence obtained from a sample if documentation relating to another person would thereby be destroyed.

(5) Any identification, warrant, probable cause to arrest, or arrest based upon a match from the DNA identification system is not invalidated due to a failure to expunge or a delay in expunging records.

[Statutory Authority: RCW 43.43.759. WSR 14-17-108, § 446-75-070, filed 8/19/14, effective 9/19/14; WSR 03-08-053, § 446-75-070, filed 3/28/03, effective 4/28/03; WSR 91-11-046, § 446-75-070, filed 5/14/91, effective 6/14/91.]