

SENATE BILL REPORT

SB 5527

As of February 11, 1999

Title: An act relating to the deletion of nonconviction data.

Brief Description: Revising timelines for deletion of nonconviction data.

Sponsors: Senators Heavey and Hochstatter.

Brief History:

Committee Activity: Judiciary: 2/12/99.

SENATE COMMITTEE ON JUDICIARY

Staff: Harry Steinmetz (786-7421)

Background: Nonconviction data consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the person and for which the proceedings are no longer actively pending. Generally, the proceedings are no longer considered actively pending one year after an arrest, citation or service of a warrant and no disposition has been entered; in short, an arrest for which a person was not charged with a crime or was charged and acquitted.

Two years after a favorable disposition or three years after the arrest, citation or warrant was served, criminal history record information, which consists of only nonconviction information, may be deleted from criminal justice agency files. The deletion occurs only in files which are normally searched when responding to requests for criminal history. Exceptions to deletion exist if the defendant is a fugitive or the case is still an active prosecution.

After the two- or three-year time period has passed, the information shall be deleted at the request of the person who is the subject of the record. The criminal justice agency, at its option, may refuse to delete the record. The agency can refuse if: (1) the disposition was a deferred prosecution or similar diversion; (2) the person has a prior conviction for a felony or gross misdemeanor; or (3) the person has been arrested or charged with another crime in the intervening period.

It has been suggested that it is unfair for a person acquitted of a crime to have to wait so long to clear his or her record.

Summary of Bill: A procedure and quicker time lines are established to clear the record of persons who have received a favorable disposition of their case. When a defendant receives a favorable disposition, the nonconviction data must be deleted from all criminal justice agency files within 90 days. Deletion is also required from all files after three years from the dates of arrest or issuance of the citation or warrant for which conviction was not obtained, unless the defendant is a fugitive or is under active prosecution.

The court must transmit the order deleting the data to the arresting agency and the agency must transmit the order to any agency to which it has transmitted the information.

The agency has the option to refuse to delete the data for reasons currently existing in the statute.

Appropriation: None.

Fiscal Note: Not requested.

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