

SB 5609 - S AMD 1041

By Senator Fortunato

NOT ADOPTED 02/09/2022

1 Beginning on page 1, line 4, strike all of section 1 and insert
2 the following:

3 **"Sec. 1.** RCW 10.64.110 and 2021 c 311 s 20 are each amended to
4 read as follows:

5 (1) Following June 15, 1977, except as provided in subsection (3)
6 of this section, there shall be affixed to the original of every
7 judgment and sentence of a felony conviction in every court in this
8 state and every order adjudicating a juvenile to be a delinquent
9 based upon conduct which would be a felony if committed by an adult,
10 a fingerprint of the defendant or juvenile who is the subject of the
11 order. When requested by the clerk of the court, the actual affixing
12 of fingerprints shall be done by a representative of the office of
13 the county sheriff or the Washington state patrol. For juvenile
14 cases, fingerprints may not be taken by a court clerk or other
15 juvenile court staff unless the person taking the fingerprints is
16 certified or trained in fingerprinting techniques that ensure
17 usability and efficacy for later use.

18 (2) The clerk of the court shall attest that the fingerprints
19 appearing on the judgment in sentence, order of adjudication of
20 delinquency, or docket, is that of the individual who is the subject
21 of the judgment or conviction, order, or docket entry.

22 (3) Amended judgment and sentences issued pursuant to *State v.*
23 *Blake*, No. 96873-0 (Feb. 25, 2021), are exempt from the
24 fingerprinting requirements in subsection (1) of this section when
25 there are no additional offenses of conviction from the original
26 judgment and sentence and the defendant is in custody in a
27 correctional facility. In such cases, the amended judgment and
28 sentence shall reference the original judgment and sentence and the
29 fingerprints affixed thereto."

EFFECT: Retains the fingerprinting requirement, but requires the
court staff taking the fingerprint to be certified or trained in
fingerprinting techniques that aim to ensure future usability and

efficacy. Allows juvenile courts to use the Washington State Patrol in addition to the local sheriff.

--- **END** ---