

SENATE BILL REPORT

SHB 2056

As of February 16, 2024

Title: An act relating to information sharing and limited investigative authority of supreme court bailiffs.

Brief Description: Concerning information sharing and limited investigative authority of supreme court bailiffs.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Cheney and Reeves; by request of Administrative Office of the Courts).

Brief History: Passed House: 2/8/24, 69-27.

Committee Activity: Law & Justice: 2/16/24.

Brief Summary of Bill

- Authorizes bailiffs of the Washington Supreme Court to conduct threat assessments on behalf of Supreme Court justices and to receive criminal history record information that includes nonconviction data for any purpose associated with the investigation of a threat against a justice.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: William Bridges (786-7312)

Background: Criminal History Records. The Washington State Criminal Records Privacy Act (Act) governs the handling of criminal history records by criminal justice agencies, such as courts and their administrative bodies. Under the Act, a criminal justice agency may disseminate criminal history record information that includes nonconviction data to:

- a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations of criminal conduct or other nonconviction data;

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- individuals and agencies for the provision of contractual services related to the administration of criminal justice;
- individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency; and
- the State Auditor solely for the express purpose of conducting a process compliance audit procedure and review of any deadly force investigation.

Improper disclosure of conviction data under the Act is a misdemeanor. Civil action for the recovery of damages and reasonable attorneys' fees is also provided.

Washington Supreme Court Bailiffs. Under rules promulgated by the Washington Supreme Court (Supreme Court), the court appoints bailiffs whose duties are to attend all sessions of the court, maintain official hearing records, ensure that proper courtroom procedures are observed, and to perform other duties as may be required by the court. A bailiff is the chief security officer for the court, providing and coordinating security on site and when the court travels.

Summary of Bill: Authorizing Bailiffs of the Washington Supreme Court to Conduct Threat Assessments and Receive Criminal History Record Information. Bailiffs of the Supreme Court are authorized to conduct threat assessments on behalf of Supreme Court justices and to receive criminal history record information that includes nonconviction data for any purpose associated with the investigation of any person making a threat against a Supreme Court justice. The dissemination or use of criminal history records or nonconviction data for purposes other than authorized by law is prohibited.

Any threats investigated under this section and found to be credible must be referred to local law enforcement for further action. Local law enforcement is authorized to report the outcome and any anticipated action regarding such threats to the bailiffs of the Supreme Court.

The Supreme Court must ensure that Supreme Court bailiffs are qualified by training and experience.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: There have been growing threats nationally and locally against public officials, including judges. There have been specific threats made against Supreme Court justices that could not be adequately addressed by the court's bailiffs

because the bailiffs were not qualified to receive criminal history information from law enforcement. The bill removes barriers to receiving potentially live saving information. Adequate safeguards are provided to prohibit the sharing of information beyond the need for assessing threats.

Persons Testifying: PRO: Representative Roger Goodman, Prime Sponsor; Dawn Rubio, Administrative Office of the Courts; Kyle Landry, Administrative Office of the Courts; Tracy Foster, Supreme Court of Washington; James McMahan, WA Assoc Sheriffs & Police Chiefs.

Persons Signed In To Testify But Not Testifying: No one.