

5117

Sponsor(s): Senators Costa, Long, Hargrove, Kline and Gardner

Brief Description: Limiting disclosure of investigative records.

**SB 5117 - DIGEST**

Provides that, except for disclosure to a criminal justice agency, investigative records may only be disseminated or disclosed under the following circumstances:

(1) All suspects identified in the investigative records have been arraigned on any charges filed based upon the investigation, and the judge presiding over the criminal proceedings determines, after hearing from the defendant or the defendant's attorney, the prosecuting attorney, the lead investigator, and the individual requesting copies of the investigative records, that the individual requesting copies of the investigative records has established by clear evidence that release of the investigative records will not interfere with the suspect's right to a fair trial or with any continuing investigation;

(2) The convictions of all suspects identified in the investigative records are final as defined in RCW 10.73.090, and neither the prosecuting attorney nor investigative agency has established by clear evidence that release of the investigative records will interfere with any pending civil actions or related investigations; or

(3) CrR 4.7 or CrRLJ 4.7 permit dissemination of investigative records to individuals who have been charged with crimes or to the attorney or agents of individuals who have been charged with crimes.

Declares that investigative records, as defined in RCW 10.97.030, are exempt from the disclosure requirements of chapter 42.17 RCW.