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HOUSE BILL 2073

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Schoesler, Romero and Cox

Read first time 02/24/2003. Referred to Committee on State Government.

1 AN ACT Relating to disposing of local government records; and  
2 amending RCW 40.14.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 40.14.070 and 1999 c 326 s 2 are each amended to read  
5 as follows:

6 (1)(a) County, municipal, and other local government agencies may  
7 request authority to destroy noncurrent public records having no  
8 further administrative or legal value by submitting to the division of  
9 archives and records management lists of such records on forms prepared  
10 by the division. The archivist, a representative appointed by the  
11 state auditor, and a representative appointed by the attorney general  
12 shall constitute a committee, known as the local records committee,  
13 which shall review such lists and which may veto the destruction of any  
14 or all items contained therein.

15 (b) A local government agency, as an alternative to submitting  
16 lists, may elect to establish a records control program based on  
17 recurring disposition schedules recommended by the agency to the local  
18 records committee. The schedules are to be submitted on forms provided  
19 by the division of archives and records management to the local records

1 committee, which may either veto, approve, or amend the schedule.  
2 Approval of such schedule or amended schedule shall be by unanimous  
3 vote of the local records committee. Upon such approval, the schedule  
4 shall constitute authority for the local government agency to destroy  
5 the records listed thereon, after the required retention period, on a  
6 recurring basis until the schedule is either amended or revised by the  
7 committee.

8 (2)(a) Except as otherwise provided by law, no public records shall  
9 be destroyed until approved for destruction by the local records  
10 committee. Official public records shall not be destroyed unless:

11 (i) The records are six or more years old;

12 (ii) The department of origin of the records has made a  
13 satisfactory showing to the state records committee that the retention  
14 of the records for a minimum of six years is both unnecessary and  
15 uneconomical, particularly where lesser federal retention periods for  
16 records generated by the state under federal programs have been  
17 established; or

18 (iii) The originals of official public records less than six years  
19 old have been copied or reproduced by any photographic, photostatic,  
20 microfilm, miniature photographic, or other process approved by the  
21 state archivist which accurately reproduces or forms a durable medium  
22 for so reproducing the original.

23 An automatic reduction of retention periods from seven to six years  
24 for official public records on record retention schedules existing on  
25 June 10, 1982, shall not be made, but the same shall be reviewed  
26 individually by the local records committee for approval or disapproval  
27 of the change to a retention period of six years.

28 The state archivist may furnish appropriate information,  
29 suggestions, and guidelines to local government agencies for their  
30 assistance in the preparation of lists and schedules or any other  
31 matter relating to the retention, preservation, or destruction of  
32 records under this chapter. The local records committee may adopt  
33 appropriate regulations establishing procedures to be followed in such  
34 matters.

35 Records of county, municipal, or other local government agencies,  
36 designated by the archivist as of primarily historical interest, may be  
37 transferred to a recognized depository agency.

1 (b) Records of investigative reports prepared by any state, county,  
2 municipal, or other law enforcement agency pertaining to sex offenders  
3 contained in chapter 9A.44 RCW or sexually violent offenses as defined  
4 in RCW 71.09.020 that are not required in the current operation of the  
5 law enforcement agency or for pending judicial proceedings shall,  
6 following the expiration of the applicable schedule of the law  
7 enforcement agency's retention of the records, be transferred to the  
8 Washington association of sheriffs and police chiefs for permanent  
9 electronic retention and retrieval. Upon electronic retention of any  
10 document, the association shall be permitted to destroy the paper copy  
11 of the document.

12 (c) Any record transferred to the Washington association of  
13 sheriffs and police chiefs pursuant to (b) of this subsection shall be  
14 deemed to no longer constitute a public record pursuant to RCW  
15 42.17.020 and shall be exempt from public disclosure. Such records  
16 shall be disseminated only to criminal justice agencies as defined in  
17 RCW 10.97.030 for the purpose of determining if a sex offender met the  
18 criteria of a sexually violent predator as defined in chapter 71.09  
19 RCW.

20 (3) Except as otherwise provided by law, county, municipal, and  
21 other local government agencies may, as an alternative to destroying  
22 noncurrent public records having no further administrative or legal  
23 value, donate the public records to the state library, local library,  
24 historical society, genealogical society, or similar society or  
25 organization; or auction the records through public auction.

26 Public records may not be donated or auctioned under this  
27 subsection unless:

28 (a) The records are seventy years old or more;

29 (b) The local records committee has approved the destruction of the  
30 public records; and

31 (c) The state archivist has determined that the public records have  
32 no historic interest.

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