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SENATE BILL 6223

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State of Washington

61st Legislature

2010 Regular Session

By Senator Benton

Read first time 01/11/10. Referred to Committee on Judiciary.

1 AN ACT Relating to the deletion of nonconviction data; and amending  
2 RCW 10.97.060.

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

4 **Sec. 1.** RCW 10.97.060 and 1977 ex.s. c 314 s 6 are each amended to  
5 read as follows:

6 (1) Criminal history record information which consists of  
7 nonconviction data only shall be ~~((subject to deletion))~~ deleted from  
8 all criminal justice agency files ~~((which are available and generally~~  
9 ~~searched for the purpose of responding to inquiries))~~ concerning the  
10 criminal history of a named or otherwise identified individual ~~((when~~  
11 ~~two years or longer have elapsed since))~~;

12 (a) Ninety days after the finding or judgment that makes the record  
13 ~~((became))~~ nonconviction data as a result of the entry of a disposition  
14 favorable to the defendant ~~((, or))~~; or

15 (b) Upon the passage of three years from the date of arrest or  
16 issuance of a citation or warrant for an offense for which a conviction  
17 was not obtained, unless the defendant is a fugitive ~~((, or))~~ or the case  
18 is under active prosecution according to a current certification made  
19 by the prosecuting attorney.

1       The court shall transmit the order to the arresting agency. The  
2 arresting agency shall be responsible for transmitting the order of  
3 deletion to any other agency to which the arresting agency has  
4 transmitted the nonconviction data.

5       (2) Such criminal history record information consisting of  
6 nonconviction data shall be deleted ((upon the request of the person  
7 who is the subject of the record)) ninety days after the finding or  
8 judgment that makes the information nonconviction data: PROVIDED,  
9 HOWEVER, That the criminal justice agency maintaining the data may, at  
10 its option, refuse to make the deletion if:

11       ((+1)) (a) The disposition was a deferred prosecution ((or similar  
12 diversion of the alleged offender));

13       ((+2)) (b) The person who is the subject of the record has had a  
14 prior conviction for a felony or gross misdemeanor;

15       ((+3)) (c) The individual who is the subject of the record has  
16 been arrested for or charged with another crime during the intervening  
17 period.

18       (3) Nothing in this chapter is intended to restrict the authority  
19 of any court, through appropriate judicial proceedings, to order the  
20 modification or deletion of a record in a particular cause or  
21 concerning a particular individual or event.

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