

SHB 2056 - S COMM AMD

By Committee on Law & Justice

ADOPTED 03/01/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 2.04
4 RCW to read as follows:

5 (1) Bailiffs of the supreme court are authorized to conduct
6 threat assessments on behalf of supreme court justices. The supreme
7 court shall ensure that supreme court bailiffs are qualified by
8 training and experience.

9 (2) Bailiffs of the supreme court are authorized to receive
10 criminal history record information that includes nonconviction data
11 for purposes exclusively related to the investigation of any person
12 making a threat as defined in RCW 9A.04.110 against a supreme court
13 justice. Dissemination or use of criminal history records or
14 nonconviction data for purposes other than authorized in this section
15 is prohibited.

16 (3) Founded threats investigated under this section must be
17 referred to local law enforcement for further action. Local law
18 enforcement is authorized to report the outcome and any anticipated
19 action to bailiffs of the supreme court.

20 **Sec. 2.** RCW 10.97.050 and 2023 c 26 s 1 are each amended to read
21 as follows:

22 (1) Conviction records may be disseminated without restriction.

23 (2) Any criminal history record information which pertains to an
24 incident that occurred within the last twelve months for which a
25 person is currently being processed by the criminal justice system,
26 including the entire period of correctional supervision extending
27 through final discharge from parole, when applicable, may be
28 disseminated without restriction.

29 (3) Criminal history record information which includes
30 nonconviction data may be disseminated by a criminal justice agency
31 to another criminal justice agency for any purpose associated with

1 the administration of criminal justice, or in connection with the
2 employment of the subject of the record by a criminal justice or
3 juvenile justice agency, except as provided under RCW 13.50.260. A
4 criminal justice agency may respond to any inquiry from another
5 criminal justice agency without any obligation to ascertain the
6 purpose for which the information is to be used by the agency making
7 the inquiry.

8 (4) Criminal history record information which includes
9 nonconviction data may be disseminated by a criminal justice agency
10 to implement a statute, ordinance, executive order, or a court rule,
11 decision, or order which expressly refers to records of arrest,
12 charges, or allegations of criminal conduct or other nonconviction
13 data and authorizes or directs that it be available or accessible for
14 a specific purpose.

15 (5) Criminal history record information which includes
16 nonconviction data may be disseminated to individuals and agencies
17 pursuant to a contract with a criminal justice agency to provide
18 services related to the administration of criminal justice. Such
19 contract must specifically authorize access to criminal history
20 record information, but need not specifically state that access to
21 nonconviction data is included. The agreement must limit the use of
22 the criminal history record information to stated purposes and insure
23 the confidentiality and security of the information consistent with
24 state law and any applicable federal statutes and regulations.

25 (6) Criminal history record information which includes
26 nonconviction data may be disseminated to individuals and agencies
27 for the express purpose of research, evaluative, or statistical
28 activities pursuant to an agreement with a criminal justice agency.
29 Such agreement must authorize the access to nonconviction data, limit
30 the use of that information which identifies specific individuals to
31 research, evaluative, or statistical purposes, and contain provisions
32 giving notice to the person or organization to which the records are
33 disseminated that the use of information obtained therefrom and
34 further dissemination of such information are subject to the
35 provisions of this chapter and applicable federal statutes and
36 regulations, which shall be cited with express reference to the
37 penalties provided for a violation thereof.

38 (7) Criminal history record information that includes
39 nonconviction data may be disseminated to the state auditor solely
40 for the express purpose of conducting a process compliance audit

1 procedure and review of any deadly force investigation pursuant to
2 RCW 43.101.460. Dissemination or use of nonconviction data for
3 purposes other than authorized in this subsection is prohibited.

4 (8) Criminal history record information that includes
5 nonconviction data may be disseminated to bailiffs of the supreme
6 court solely for the express purpose of investigations under section
7 1 of this act. Dissemination or use of nonconviction data for
8 purposes other than authorized in this subsection is prohibited.

9 (9) Every criminal justice agency that maintains and disseminates
10 criminal history record information must maintain information
11 pertaining to every dissemination of criminal history record
12 information except a dissemination to the effect that the agency has
13 no record concerning an individual. Information pertaining to
14 disseminations shall include:

15 (a) An indication of to whom (agency or person) criminal history
16 record information was disseminated;

17 (b) The date on which the information was disseminated;

18 (c) The individual to whom the information relates; and

19 (d) A brief description of the information disseminated.

20 The information pertaining to dissemination required to be
21 maintained shall be retained for a period of not less than one year.

22 ~~((9))~~ (10) In addition to the other provisions in this section
23 allowing dissemination of criminal history record information, RCW
24 4.24.550 governs dissemination of information concerning offenders
25 who commit sex offenses as defined by RCW 9.94A.030. Criminal justice
26 agencies, their employees, and officials shall be immune from civil
27 liability for dissemination on criminal history record information
28 concerning sex offenders as provided in RCW 4.24.550."

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29 On page 1, line 2 of the title, after "bailiffs;" strike the
30 remainder of the title and insert "amending RCW 10.97.050; and adding
31 a new section to chapter 2.04 RCW."

EFFECT: Clarifies that Bailiffs of the supreme court are
authorized to receive criminal history record information for

purposes exclusively related to assessing threats against a Supreme Court Justice.

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