

FINAL BILL REPORT

SHB 2056

C 303 L 24
Synopsis as Enacted

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).

House Committee on Civil Rights & Judiciary
Senate Committee on Law & Justice

Background:

Criminal History Records.

Under the Washington State Criminal Records Privacy Act (Act), generally no criminal justice agency may disseminate criminal history record information pertaining to an arrest, detention, indictment, information, or other formal criminal charge made after December 31, 1977, unless the record disseminated states the disposition of the charge. However, the dissemination of conviction records is not restricted by law and any criminal history record information that pertains to an incident that occurred within the last 12 months for which a person is currently being processed by the criminal justice system may also be disseminated without restriction.

The dissemination of any criminal history record information that includes nonconviction data is restricted. Such nonconviction data may only be disseminated 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;
- individuals and agencies pursuant to a contract with a criminal justice agency to provide 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

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- the State Auditor solely for the express purpose of conducting a process compliance audit procedure and review of any deadly force investigation.

Every criminal justice agency that maintains and disseminates criminal history record information must maintain the following information for a minimum of one year for each dissemination of criminal history record:

- an indication of to whom the criminal history record information was disseminated;
- the date on which the information was disseminated;
- the individual to whom the information relates; and
- a brief description of the information disseminated.

The Act provides both civil and criminal penalties for the improper disclosure of information protected under the Act. Any person may bring a civil action to enjoin any further improper disclosures of information. If the person is injured by the improper disclosure, they may bring an action for the recovery of damages and reasonable attorneys' fees. Improper disclosure of information under the Act constitutes a misdemeanor, and any person who discloses information in violation of the Act is guilty of a misdemeanor for each single violation. Any criminal prosecution does not affect the right of any person to bring a civil action.

Washington Supreme Court Bailiffs.

Under rules promulgated by the Washington Supreme Court (Supreme Court), the court appoints bailiffs to serve as security officers for the court and to provide and coordinate security on site and when the court travels. The duties of the bailiffs are to:

- attend all sessions of the court;
- maintain official hearing records;
- ensure that proper courtroom procedures are observed; and
- perform other duties as may be required by the court.

Summary:

Bailiffs of the Supreme Court are authorized to:

- conduct threat assessments on behalf of Supreme Court justices; and
- receive criminal history record information that includes nonconviction data to be used for purposes exclusively related to investigating 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 that are 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.

Votes on Final Passage:

House	69	27	
Senate	49	0	(Senate amended)
House	96	0	(House concurred)

Effective: June 6, 2024