

SENATE BILL REPORT

SB 5021

As Passed Senate, February 5, 2025

Title: An act relating to retention of court exhibits.

Brief Description: Concerning retention of court exhibits.

Sponsors: Senators Wagoner, Dhingra, Dozier and Wilson, J..

Brief History:

Committee Activity: Law & Justice: 1/14/25, 1/16/25 [DP].

Floor Activity: Passed Senate: 2/5/25, 49-0.

Brief Summary of Bill

- Reduces the six-year retention period for court exhibits to five years.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Holy, Ranking Member; Fortunato, Lovick, Salomon, Torres, Valdez and Wagoner.

Staff: Ryan Giannini (786-7285)

Background: County Clerk. The county clerk, an independent elected official, serves as the clerk of the superior court. Statutes and local rules impose a variety of administrative duties for clerks associated with the operation of the courts. Court clerks in each county perform specific duties in support of court activities including, but not limited to, keeping the case files and other records of the court, receiving court filings according to court rules, keeping a record of court proceedings, and conforming with the court's direction in performance of its responsibilities.

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.

Destruction of Court Exhibits. At any time more than six years after the entry of final judgment in any action, the clerk may apply for an order to dispose of exhibits related to the action. Those records include:

- turning over exhibits of possible value to the sheriff as unclaimed property; and
- destroying exhibits, unopened depositions, and reporter notes.

Reporter notes in criminal cases must be preserved for at least 15 years. Exhibits of historical value are delivered to libraries or historical societies.

Summary of Bill: The six-year retention period for court exhibits is reduced to five years.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There are two existing statutes that authorize two different retention schedules for court exhibits. In some cases, county clerks have to check these documents twice due to the two different retention schedules. This bill would align these retention schedules with a five-year standard. This change would eliminate potential errors in record management. The bill does not change policies or procedures; it just brings the retention timelines into alignment.

Persons Testifying: PRO: Senator Keith Wagoner, Prime Sponsor; Timothy Grisham, Washington Association of County Officials; Tim Fitzgerald, Washington State Association of County Clerks; Catherine Cornwall, King County Clerk.

Persons Signed In To Testify But Not Testifying: No one.