
SUBSTITUTE SENATE BILL 5558

State of Washington

62nd Legislature

2011 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Hargrove, Regala, and Harper)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to the dissemination of juvenile records; amending
2 RCW 2.68.010 and 2.68.030; reenacting and amending RCW 2.68.020; and
3 adding a new chapter to Title 13 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that one of the goals
6 of the juvenile justice system is to rehabilitate juvenile offenders
7 and promote their successful reintegration into society. Without
8 opportunities to reintegrate, juveniles suffer increased recidivism and
9 decreased economic function. The legislature further finds that the
10 unrestricted dissemination of juvenile records can hinder social
11 reintegration when inaccurate, outdated, or personal information
12 remains in the public realm. The legislature believes that limiting
13 the number of mechanisms for accessing juvenile records and the number
14 of places where those records may be housed can increase overall public
15 record accuracy while promoting the juvenile's rehabilitation and
16 integration and protecting public safety. It is the intent of the
17 legislature to balance the rehabilitative and reintegration needs of an
18 effective juvenile justice system with the public's need to access
19 personal information for public safety and research purposes.

1 NEW SECTION. **Sec. 2.** The definitions in this section apply
2 throughout this chapter unless the context clearly requires otherwise.

3 (1) "Consumer reporting agency" means a person, or corporation,
4 who, for monetary fees, dues, or on a cooperative nonprofit basis,
5 regularly engages in whole or in part in the business of assembling,
6 aggregating, or evaluating information on consumers for the purpose of
7 furnishing consumer reports to third parties, and who uses any means or
8 facility of commerce for the purpose of preparing or furnishing
9 consumer reports. "Consumer reporting agency" does not include
10 offices, programs, or facilities run by the state of Washington or
11 their employees;

12 (2) "De-identified record" means any record in which the name,
13 address, and personally identifiable information is removed;

14 (3) "Disseminate" means to disclose juvenile record information or
15 the absence of such record information to any person;

16 (4) "Juvenile records" has the same meaning as "records" in chapter
17 13.50 RCW.

18 NEW SECTION. **Sec. 3.** (1) A consumer reporting agency that
19 collects personally identifiable information pertaining to, or
20 including, juvenile records about an individual residing in Washington
21 may not disseminate information contained within the record, including
22 the existence or nonexistence of such record to any third party.

23 (2) A consumer reporting agency that collects personally
24 identifiable information pertaining to, and including, juvenile records
25 about an individual residing in Washington may disseminate de-
26 identified records for the purposes of social science research, trend
27 data, and generalized aggregation.

28 **Sec. 4.** RCW 2.68.010 and 1989 c 364 s 1 are each amended to read
29 as follows:

30 The judicial information system committee, as established by court
31 rule, shall determine all matters pertaining to the delivery of
32 services available from the judicial information system. The committee
33 may establish a fee schedule for the provision of information services
34 and may enter into contracts with any ((~~person,~~) public ((~~or private~~))
35 entity, including the state, its departments, subdivisions,

1 institutions, and agencies. However, no fee may be charged to county
2 or city governmental agencies within the state of Washington using the
3 judicial information system for the business of the courts.

4 **Sec. 5.** RCW 2.68.020 and 2009 c 564 s 1802 and 2009 c 564 s 918
5 are each reenacted and amended to read as follows:

6 There is created an account in the custody of the state treasurer
7 to be known as the judicial information system account. The
8 administrative office of the courts shall maintain and administer the
9 account, in which shall be deposited all moneys received from in-state
10 noncourt public entity users and any out-of-state public entity users
11 of the judicial information system and moneys as specified in RCW
12 2.68.040 for the purposes of providing judicial information system
13 access to noncourt public entity users and providing an adequate level
14 of automated services to the judiciary. The legislature shall
15 appropriate the funds in the account for the purposes of the judicial
16 information system. The account shall be used for the acquisition of
17 equipment, software, supplies, services, and other costs incidental to
18 the acquisition, development, operation, and administration of
19 information services, telecommunications, systems, software, supplies,
20 and equipment, including the payment of principal and interest on items
21 paid in installments. (~~During the 2007-2009 fiscal biennium, the~~
22 ~~legislature may transfer from the judicial information system account~~
23 ~~to the state general fund such amounts as reflect the excess fund~~
24 ~~balance of the account.)) During the 2009-2011 fiscal biennium, the
25 legislature may transfer from the judicial information system account
26 to the state general fund such amounts as reflect the excess fund
27 balance of the account.~~

28 **Sec. 6.** RCW 2.68.030 and 1989 c 364 s 3 are each amended to read
29 as follows:

30 The judicial information system committee shall develop a schedule
31 of user fees for in-state noncourt public entity users and all out-of-
32 state public entity users of the judicial information computer system
33 and charges for judicial information system products and licenses for
34 the purpose of distributing and apportioning the full cost of operation
35 and continued development of the system among the users. The judicial
36 information system shall not be used to disseminate, nor shall fees be

1 charged to private entities to obtain, any juvenile record information
2 for the purposes of disseminating that information to credit reporting
3 agencies or other private entities. The schedule shall generate
4 sufficient revenue to cover the costs relating to (1) the payment of
5 salaries, wages, other costs including, but not limited to the
6 acquisition, operation, and administration of acquired information
7 services, supplies, and equipment; and (2) the development of judicial
8 information system products and services. As used in this section, the
9 term "supplies" shall not be interpreted to delegate or abrogate the
10 state purchasing and material control director's responsibilities and
11 authority to purchase supplies as provided in chapter 43.19 RCW.

12 NEW SECTION. **Sec. 7.** Sections 1 through 3 of this act constitute
13 a new chapter in Title 13 RCW.

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