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SENATE BILL 5558

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Hargrove, Regala, and Harper

Read first time 01/31/11. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the dissemination of juvenile records by  
2 consumer reporting agencies; and adding a new chapter to Title 13 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that one of the goals  
5 of the juvenile justice system is to rehabilitate juvenile offenders  
6 and promote their successful reintegration into society. Without  
7 opportunities to reintegrate, juveniles suffer increased recidivism and  
8 decreased economic function. The legislature further finds that the  
9 unrestricted dissemination of juvenile records can hinder social  
10 reintegration when inaccurate, outdated, or personal information  
11 remains in the public realm. The legislature believes that limiting  
12 the number of mechanisms for accessing juvenile records and the number  
13 of places where those records may be housed can increase overall public  
14 record accuracy while promoting the juvenile's rehabilitation and  
15 integration and protecting public safety. It is the intent of the  
16 legislature to balance the rehabilitative and reintegration needs of an  
17 effective juvenile justice system with the public's need to access  
18 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        NEW SECTION.    **Sec. 4.**    The legislature finds that the practices  
29 covered by this chapter are matters vitally affecting the public  
30 interest for the purpose of applying the consumer protection act,  
31 chapter 19.86 RCW. A violation of this chapter is not reasonable in  
32 relation to the development and preservation of business and is an  
33 unfair or deceptive act in trade or commerce and an unfair method of  
34 competition for the purpose of applying the consumer protection act,  
35 chapter 19.86 RCW.

1        NEW SECTION.   **Sec. 5.**   Sections 1 through 4 of this act constitute  
2   a new chapter in Title 13 RCW.

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