

1. Meeting Minutes



JISC DATA DISSEMINATION COMMITTEE
Thursday, August 6, 2015 (8:00 a.m. – 9:00 a.m.)
Teleconference
Call-in Number: 1-888-450-5996, Passcode 628488
Rescheduled from June 26, 2015

DRAFT - MEETING MINUTES

Members Present

Judge Thomas J. Wynne, Chair
Judge J. Robert Leach
Ms. Barbara Miner
Ms. Brooke Powell

Members Not Present

Judge Jeannette Dalton
Ms. Aimee Vance

AOC Staff Present

Stephanie Happold, Data Dissemination Administrator
Michael Keeling, Operations Manager for the Office of IT Operations
Kumar Yajamanam, Arch/Tech Manager for the Office of Architecture and Strategy

Guests Present

Ms. Kim Bradford – The News Tribune
Dr. Gipsy Escobar – Measures for Justice
Joanna Eide – Department of Fish and Wildlife
Dawn Gedenberg – Department of Fish and Wildlife
Mr. Rowland Thompson – Allied Daily Newspapers

Judge Wynne called the meeting to order and the following items of business were discussed:

1. Minutes of April 24, 2015

Committee approved the meeting minutes.

2. Measures for Justice Request for JIS Financial Data

Dr. Gipsy Escobar presented Measures for Justice (MFJ) request for court fees, fines/restitution, judgments for failing to pay financial obligations to the court, and bail information for all criminal adult cases filed between January 1, 2009 and December 31, 2013. Also, upon being asked, she clarified that the MFJ research department used to be in Chicago, IL; however, the whole organization is now in Rochester, NY.

Ms. Barb Miner asked what MFJ meant in its request where it stated “judgments for failing to pay financial obligations to the court.” Dr. Escobar stated that it was for information on defendants who were given additional penalties, financial or any kind, if found by the court to be failing to pay financial obligations. Ms. Miner responded that it would be tough to get complete data for that request and that it may not be reliable. Judge Wynne agreed. DDA Happold stated that a meeting would be scheduled with MFJ and AOC staff to discuss what is being asked, what can be provided, and how. Ms. Miner stated that she would like Joel McAllister to be involved in that meeting. DDA Happold confirmed she would contact Mr. McAllister. Committee members recommended that Ms. Aimee Vance also be part of the meeting as the request covered CLJ data as well. Dr. Escobar stated that if the data is not clear about failure to pay judgments, then MFJ would withdrawal that portion of the request.

Dr. Escobar also noted that if the bail information was not consistent or reliable, then MFJ would also withdrawal that portion of the request. Ms. Miner said that these concerns should be discussed at the initial meeting and those requests can be withdrawn at that time if the data cannot be provided accurately.

Ms. Miner made the motion that the request should be approved based on the recommendations that AOC staff provided; Judge Leach seconded. Motion passed unanimously.

3. Washington State Department of Fish and Wildlife Request for JIS Financial Data

Ms. Joanna Eide and Ms. Dawn Gedenberg from the Washington State Department of Fish and Wildlife (DFW) presented two financial data requests for the Criminal Wildlife Penalty Assessment and for Title 77 RCW violations, including infractions. Ms. Barb Miner asked if they were looking for financial data related to offenses charged and any additional legal financial obligations. Ms. Eide stated that the DFW was interested in any Title 77 RCW offense and any penalty given for that charge. Ms. Miner asked if DFW was interested in penalties paid and when, as the request was only for those assessed. Ms. Eide stated that they did not ask for penalties paid and when, but would like that information as well.

Judge Leach suggested that the motion should be with the request amended to also include penalties paid and Ms. Miner agreed. Judge Wynne then asked if there was a motion to amend the DFW letter to also include penalties paid and when so the agency did not have to come back to the DDC, and for the Committee to approve the request. Judge Leach made the motion and Ms. Miner seconded. The motion passed unanimously.

Judge Wynne noted that the DFW also asked if the request could be granted a fee-waiver. Committee members asked when fee-waivers were granted. DDA Happold responded that a fee-waiver was granted if the request was for court-related business or for a legislative mandate or workgroup. DFW's request did not fall under these exceptions. Judge Leach made a second motion to approve the DFW request with the amendment allowing data for paid penalties, but denying the fee waiver. Barb Miner seconded the motion and it passed unanimously.

4. DD Policy Draft Regarding JIS Financial Data

DDA Happold presented the first financial data draft that would become the JISC Data Dissemination Policy, Section III.B.8. She also summarized some of the concerns the AOC Office of Communications and Public Outreach had regarding the draft policy. Judge Leach requested changes to subsection 8.d as it seemed to suggest that requests will not be granted. Ms. Brooke Powell asked for clarification of 8.b. DDA Happold will take the Committee's edits and provide another draft at the next meeting.

5. Providing Data Extracts in Future JIS-LINK User Systems

Mr. Michael Keeling presented an overview of the future JIS-LINK replacement project. AOC staff are exploring alternatives for JIS-LINK users which includes providing a replacement option for the users' screen-scraping activity. One such solution is to offer bulk data extracts as part of the JIS-LINK account. Bulk extracts would replace screen-scraping (as that activity would no longer work with the new system), alleviate the constant third party hits on the AOC servers, and free up bandwidth usage. AOC staff is seeking DDC approval for the bulk extracts.

Ms. Miner asked what the JIS-LINK public users currently get when they login to the system. Mr. Keeling explained the screen-scraping process and that many of the companies automate it for faster results. He stated that the new bulk extracts would essentially do this activity for the user. Judge Leach asked why AOC/DDC would want to do that step for the user. Mr. Keeling responded that it would simplify the process and also ease up the usage on the AOC system. The AOC would like to create a simple process for third parties to receive the data at minimum cost to the agency. Judge Leach asked if there was a cost difference to provide this bulk extract as to not offering it. Mr. Keeling responded that AOC has to replace JIS-LINK anyway, so this would be included in that project.

Judge Leach asked if the bulk download had security issues. Mr. Keeling stated that the downloaded data would be limited to what was offered in the JIS-LINK public level 1 access and would provide only the data that can be seen now.

Ms. Miner asked if it would provide the DCH easier. Mr. Kumar Yajamanam responded that the users were already obtaining DCHs by building it one record at a time. DDA Happold stated that complete DCHs would not be provided in the bulk extracts per the JISC Data Dissemination Policy, and that the building of a DCH from gathering one record at a time is what is currently allowed.

Judge Wynne stated that the bulk extract sounded like a good idea to save money and time. Ms. Brooke Powell asked if the data the public level users would be getting from these bulk extracts would be the same as what they get going through the system screen-by-screen. Mr. Keeling responded that the data was the same but the method in how they get the data would change.

Ms. Miner asked if it would be similar to a BOXI report or if they would have access to build BOXI reports. Mr. Keeling stated that it could be more flexible than building BOXI reports; however, there would be a limit to the number of extracts and would not be an 'anything I want' tool. It would most likely be set-up with a list with options.

Judge Wynne asked what the timeline was for this project as the DDC never heard of the JIS-LINK replacement before. Mr. Keeling responded that the timeline was based on KCDC going to its own case management system. Ms. Miner asked if the JIS-LINK would then go from the EDR, and Mr. Keeling confirmed that it would.

Ms. Miner asked if AOC staff had examples of what the queries would be and what data would be allowed. Mr. Keeling responded that the AOC staff did not have any yet, but could provide examples as the project progressed.

Judge Leach asked if there was a chart comparison of what was on the screen versus what the new tool may provide. DDA Happold responded that something like this was being worked on internally by AOC staff. Business Analysts were taking all the data fields on the screens and looking at each one individually to see what user could have access to it.

Mr. Keeling commented that the viewer was most likely going to change to be like JABS, and that it would be modified to see from the EDR.

Ms. Miner asked how many subscribers were screen scrapping. Mr. Keeling responded that it was approximately less than 10% but most of them generated approximately over 90% of the revenue. Ms. Miner asked how the fees structure would change. Mr. Keeling responded that the billing structure would change, but that was not yet determined at this time.

Judge Wynne asked that AOC staff provide more specific examples of the bulk extracts, review and make proposed changes to the JISC Data Dissemination Policy to allow this, and provide the Committee a summary of the unintended consequences of those changes.

Ms. Miner also asked for a mock screen. Mr. Keeling stated he possibly could provide something for the October 23 meeting. DDA Happold was asked to draft changes to the JISC Data Dissemination Policy. Mr. Keeling and Mr. Yajamanam then asked if they could move forward with the bulk extract concept. Judge Wynne responded that AOC staff could move forward but the Committee needs to finalize what changes would be needed to the Data Dissemination Policy and any consequences for those changes.

Mr. Rowland Thompson commented that any opportunity to give public data in a way that takes people away from burdening the servers and makes the system more efficient should be supported. Judge Wynne agreed but stated that the Committee needs to look at what it is doing before acting.

6. Other Business

The News Tribune would like to submit a request for financial data related to BUIs. The Committee recommended that the request go on the August 28 agenda and that Ms. Bradford submit a request letter to DDA Happold for the Committee to review.

2. The News Tribune Request

TO: Data Dissemination Committee
(c/o Stephanie Happold)
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

FROM: Melissa Santos
Reporter, The News Tribune
1950 S. State Street
Tacoma, WA 98405
360-357-0209
melissa.santos@thenewstribune.com

August 20, 2015

To members of the Data Dissemination Committee:

I have already requested and received some recent data regarding boating under the influencing citations, which included 1) a report of cases filed from January 1, 2008 to July 27, 2013 for violations of RCW 79A.60.040(2); and 2) A report of cases filed from July 28, 2013 to April 23, 2015 for violations of RCW 79A.60.040(2) and RCW 7.80.120(1)(a)(ii).

I am expanding my request to include violations of RCW 79A.60.040(2) and RCW 7.80.120(1)(a)(ii) from April 23, 2015 through July 31, 2015.

I also would like to get the penalty information for all cases associated with my request, from the full time period of Jan. 1, 2008 to July 31, 2015.

I am requesting the amount of the penalty assessed in each case, and how much of that penalty each defendant actually has paid to date.

The reason I am requesting this data is to analyze the effects of increased penalties associated with new boating under the influence regulations enacted in 2013. To know that, I would have to know the penalties actually assessed by the court in cases prior to and after the new law went into effect.

This data will be used as part of news gathering for a report how the state's crackdown on boating under the influence appears to be working over time.

I would like to get a cost estimate for the preparation of this report. If possible, I would not like to duplicate the work already done to provide the initial part of my request (attached), as to reduce the cost and work associated with the overall request.

Thank you,

Melissa Santos
The News Tribune
360-357-0209

ADMINISTRATIVE OFFICE OF THE COURTS REQUEST FOR INFORMATION

The following information is necessary for us to process your request for data from the Judicial Information System (JIS). Please complete this form and return it to:

Data Dissemination Administrator
Office of the Administrator for the Courts
PO Box 41170
Olympia, WA 98504-1170
fax: 360-956-5700
e-mail: dda@courts.wa.gov

Your request is subject to approval under the provisions of JISCR 15, the JIS Data Dissemination Policy, and the local Data Dissemination Policy and Procedures. Upon approval, the request will be forwarded to a programmer who will examine it, estimate the cost, and then contact you to provide the estimated cost and confirm the request. There is a charge for such reports as governed by JIS Committee Policy.

Name:

Agency or Company:

E-Mail Address:

Address:

City: State: Postal Code:

Day or Work Phone (with area code): Fax No. (with area code):

Information Requested (please describe in detail and attach additional pages as necessary):

We are requesting 2 reports: First - A report of cases filed from 1/1/08-7/27/13 for violations of RCW 79A.60.040(2). Second - A report of cases filed from 7/28/2013 to present for violations of RCW 79A.60.040(2) and RCW 7.80.120(1)(a)(ii). For both reports : 1) provide the dispositions and penalties for those cases 2) provide if the defendant had any prior DUIs or BUI's (convictions for RCW 46.61.502, RCW 46.61.504 or RCW 79A.60.040(2)) 3) provide aggregate numbers broken down by county, 4) If there is no disposition available, still include the case 5) If penalties are not available, please provide any resolution/disposition information possible. Please provide a cost estimate to prepare the reports.

What will the information be used for?

Reporting on effectiveness of BUI law change in 2013, to see if numbers reflect that the new law is acting as an effective deterrent.

To whom will the data be disseminated?

The News Tribune will publish an article in print and on its website including some of the details provided in the data.

If this information concerns a named individual, please give necessary identifying information (i.e. date of birth, driver's license number, most current address etc.):

Date information is needed: ASAP

The following fees are applied to information requests that require generation of a report from JIS. Fees do not include printed copies of electronic documents such as dockets or screen prints.

Administrative Fee	\$25.00 / report
Evaluation/Research/Programming	\$40.00 / hour
JIS System Run Time (two-minute minimum)	\$10.00 / minute or portion thereof
Materials:	\$ 1.00 / page
	\$12.00 / compact disc

Medium Requested: Paper (\$1.00/page, computer generated)
 CD (\$12.00/each)
 E-mail - electronic file sent as an attachment

I, the undersigned:

- **Agree to use and distribute the information only as provided in the above referenced statement of intended use;**
- **Agree not to use for commercial purposes (Data Dissemination Policy IIIA(5));**
- **Agree to take reasonable precautions to prevent disclosure of information beyond the above referenced statement of intended use;**
- **Agree to pay, unless payment is waived, the cost upon fulfillment of the request and receipt of an invoice from the Office of the Administrator for the Courts;**
- **Understand that the Office of the Administrator for the Courts makes no representation as to the accuracy and completeness of the data except for court purposes and agree to indemnify and hold harmless the Office of the Administrator for the Courts from any claims for damages arising from applicant's use and distribution of the information; and**
- **Certify, under penalty of law, that all the information supplied above is true and a complete description.**

Melissa Santos

5/7/2014

Signature of Requestor

Date

Typed name will be accepted as signature when document is submitted electronically.

Please use this page for more detailed responses or comments.

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for providing detailed responses or comments.



August 28, 2015

TO: JISC Data Dissemination Committee

FROM: Stephanie Happold, AOC Data Dissemination Administrator

RE: The News Tribune request for boating under the influence financial information.

Issue

Can the Washington State Administrative Office of the Courts (AOC) release boating under the influence financial case/charge information to The News Tribune?

Background and Recommendation

Ms. Melissa Santos, a reporter with The News Tribune, submitted a data request to the AOC that included information about assessed penalties and amount paid for boating under the influence (BUI) violations charged under RCW 79A.60.040(2) and RCW 7.80.120(1)(a)(ii). The AOC is not authorized to release any financial data contained in the AOC Data Warehouse. Therefore, the request is being brought before the Data Dissemination Committee (DDC) to review.

The JIS Committee (JISC) authorized the DDC to act on its behalf in reviewing and acting on requests for JIS access by non-court users.¹ The DD Policy sets forth criteria which this Committee may use in deciding these requests:

- The extent to which access will result in efficiencies in the operation of a court or courts.
- The extent to which access will enable the fulfillment of a legislative mandate.
- The extent to which access will result in efficiencies in other parts of the criminal justice system.
- The risks created by permitting such access.²

During the past year, the Committee granted several requests for financial data housed in the AOC Data Warehouse. AOC staff recommends approval of The News Tribune's request, however, with conditions similar to those imposed on the other requestors:

- The Requestor meets with AOC data personnel to ensure there is an understanding of what data is requested and what can be reliably provided. (For example, clarification whether the data sought is based on the case or charge.)
- The reports are reviewed by a person delegated by this Committee.
- The cost recovery fees are applied and include the time spent meeting with the AOC staff to understand the desired data.

¹ JISC Bylaws, Article 7, Secs. 1 and 2.

² DD Policy, Sec. IX.C.

**3. RCW 46.52.130
Legislative
Change to Allow
Attorneys of
Record Access
to ADR**

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1276

Chapter 3, Laws of 2015

(partial veto)

64th Legislature
2015 2nd Special Session

IMPAIRED DRIVING

EFFECTIVE DATE: 9/26/2015

Passed by the House June 11, 2015
Yeas 88 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate June 25, 2015
Yeas 38 Nays 6

BRAD OWEN

President of the Senate

Approved June 30, 2015 3:55 PM, with
the exception of Section 25, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of the
State of Washington, do hereby
certify that the attached is **SECOND
ENGROSSED SECOND SUBSTITUTE HOUSE
BILL 1276** as passed by House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

June 30, 2015

**Secretary of State
State of Washington**

1 method: An electrolyte designed to oxidize the alcohol and release
2 electrons to be collected by an active electrode; a current flow is
3 generated within the electrode proportional to the amount of alcohol
4 oxidized on the fuel cell surface; and the electrical current is
5 measured and reported as breath alcohol concentration. Fuel cell
6 technology is highly specific for alcohols(~~(-~~

7 ~~(b) When reasonably available in the area, as determined by the~~
8 ~~state patrol, an ignition interlock device must employ~~);

9 (ii) Technology capable of taking a photo identification of the
10 user giving the breath sample and recording on the photo the time the
11 breath sample was given; and

12 (iii) Technology capable of providing the global positioning
13 coordinates at the time of each test sequence. Such coordinates must
14 be displayed within the data log that is downloaded by the
15 manufacturer and must be made available to the state patrol to be
16 used for circumvention and tampering investigations.

17 ~~((+e))~~ (b) To be certified, an ignition interlock device must:

18 (i) Meet or exceed the minimum test standards according to rules
19 adopted by the state patrol. Only a notarized statement from a
20 laboratory that is accredited and certified ~~((by))~~ under the current
21 edition of ISO (the international organization of standardization)
22 17025 standard for testing and calibration laboratories and is
23 capable of performing the tests specified will be accepted as proof
24 of meeting or exceeding the standards. The notarized statement must
25 include the name and signature of the person in charge of the tests
26 under the certification statement. The state patrol must adopt by
27 rule the required language of the certification statement that must,
28 at a minimum, outline that the testing meets or exceeds all
29 specifications listed in the federal register adopted in rule by the
30 state patrol; and

31 (ii) Be maintained in accordance with the rules and standards
32 adopted by the state patrol.

33 **Abstract of driving record—Access—Fee—Violations**

34 **Sec. 12.** RCW 46.52.130 and 2015 c 265 s 4 are each amended to
35 read as follows:

36 Upon a proper request, the department may furnish an abstract of
37 a person's driving record as permitted under this section.

1 (1) **Contents of abstract of driving record.** An abstract of a
2 person's driving record, whenever possible, must include:

3 (a) An enumeration of motor vehicle accidents in which the person
4 was driving, including:

5 (i) The total number of vehicles involved;

6 (ii) Whether the vehicles were legally parked or moving;

7 (iii) Whether the vehicles were occupied at the time of the
8 accident; and

9 (iv) Whether the accident resulted in a fatality;

10 (b) Any reported convictions, forfeitures of bail, or findings
11 that an infraction was committed based upon a violation of any motor
12 vehicle law;

13 (c) The status of the person's driving privilege in this state;
14 and

15 (d) Any reports of failure to appear in response to a traffic
16 citation or failure to respond to a notice of infraction served upon
17 the named individual by an arresting officer.

18 (2) **Release of abstract of driving record.** An abstract of a
19 person's driving record may be furnished to the following persons or
20 entities:

21 (a) **Named individuals.** (i) An abstract of the full driving record
22 maintained by the department may be furnished to the individual named
23 in the abstract.

24 (ii) Nothing in this section prevents a court from providing a
25 copy of the driver's abstract to the individual named in the abstract
26 or that named individual's attorney, provided that the named
27 individual has a pending or open infraction or criminal case in that
28 court. A pending case includes criminal cases that have not reached a
29 disposition by plea, stipulation, trial, or amended charge. An open
30 infraction or criminal case includes cases on probation, payment
31 agreement or subject to, or in collections. Courts may charge a
32 reasonable fee for the production and copying of the abstract for the
33 individual.

34 (b) **Employers or prospective employers.** (i)(A) An abstract of the
35 full driving record maintained by the department may be furnished to
36 an employer or prospective employer or an agent acting on behalf of
37 an employer or prospective employer of the named individual for
38 purposes related to driving by the individual as a condition of
39 employment or otherwise at the direction of the employer.

1 (B) Release of an abstract of the driving record of an employee
2 or prospective employee requires a statement signed by: (I) The
3 employee or prospective employee that authorizes the release of the
4 record; and (II) the employer attesting that the information is
5 necessary for employment purposes related to driving by the
6 individual as a condition of employment or otherwise at the direction
7 of the employer. If the employer or prospective employer authorizes
8 an agent to obtain this information on their behalf, this must be
9 noted in the statement. The statement must also note that any
10 information contained in the abstract related to an adjudication that
11 is subject to a court order sealing the juvenile record of an
12 employee or prospective employee may not be used by the employer or
13 prospective employer, or an agent authorized to obtain this
14 information on their behalf, unless required by federal regulation or
15 law. The employer or prospective employer must afford the employee or
16 prospective employee an opportunity to demonstrate that an
17 adjudication contained in the abstract is subject to a court order
18 sealing the juvenile record.

19 (C) Upon request of the person named in the abstract provided
20 under this subsection, and upon that same person furnishing copies of
21 court records ruling that the person was not at fault in a motor
22 vehicle accident, the department must indicate on any abstract
23 provided under this subsection that the person was not at fault in
24 the motor vehicle accident.

25 (D) No employer or prospective employer, nor any agent of an
26 employer or prospective employer, may use information contained in
27 the abstract related to an adjudication that is subject to a court
28 order sealing the juvenile record of an employee or prospective
29 employee for any purpose unless required by federal regulation or
30 law. The employee or prospective employee must furnish a copy of the
31 court order sealing the juvenile record to the employer or
32 prospective employer, or the agent of the employer or prospective
33 employer, as may be required to ensure the application of this
34 subsection.

35 (ii) In addition to the methods described in (b)(i) of this
36 subsection, the director may enter into a contractual agreement with
37 an employer or its agent for the purpose of reviewing the driving
38 records of existing employees for changes to the record during
39 specified periods of time. The department shall establish a fee for
40 this service, which must be deposited in the highway safety fund. The

1 fee for this service must be set at a level that will not result in a
2 net revenue loss to the state. Any information provided under this
3 subsection must be treated in the same manner and is subject to the
4 same restrictions as driving record abstracts.

5 (c) **Volunteer organizations.** (i) An abstract of the full driving
6 record maintained by the department may be furnished to a volunteer
7 organization or an agent for a volunteer organization for which the
8 named individual has submitted an application for a position that
9 would require driving by the individual at the direction of the
10 volunteer organization.

11 (ii) Release of an abstract of the driving record of a
12 prospective volunteer requires a statement signed by: (A) The
13 prospective volunteer that authorizes the release of the record; and
14 (B) the volunteer organization attesting that the information is
15 necessary for purposes related to driving by the individual at the
16 direction of the volunteer organization. If the volunteer
17 organization authorizes an agent to obtain this information on their
18 behalf, this must be noted in the statement.

19 (d) **Transit authorities.** An abstract of the full driving record
20 maintained by the department may be furnished to an employee or agent
21 of a transit authority checking prospective volunteer vanpool drivers
22 for insurance and risk management needs.

23 (e) **Insurance carriers.** (i) An abstract of the driving record
24 maintained by the department covering the period of not more than the
25 last three years may be furnished to an insurance company or its
26 agent:

27 (A) That has motor vehicle or life insurance in effect covering
28 the named individual;

29 (B) To which the named individual has applied; or

30 (C) That has insurance in effect covering the employer or a
31 prospective employer of the named individual.

32 (ii) The abstract provided to the insurance company must:

33 (A) Not contain any information related to actions committed by
34 law enforcement officers or firefighters, as both terms are defined
35 in RCW 41.26.030, or by Washington state patrol officers, while
36 driving official vehicles in the performance of their occupational
37 duty. This does not apply to any situation where the vehicle was used
38 in the commission of a misdemeanor or felony;

39 (B) Include convictions under RCW 46.61.5249 and 46.61.525,
40 except that the abstract must report the convictions only as

1 negligent driving without reference to whether they are for first or
2 second degree negligent driving; and

3 (C) Exclude any deferred prosecution under RCW 10.05.060, except
4 that if a person is removed from a deferred prosecution under RCW
5 10.05.090, the abstract must show the deferred prosecution as well as
6 the removal.

7 (iii) Any policy of insurance may not be canceled, nonrenewed,
8 denied, or have the rate increased on the basis of information
9 regarding an accident included in the abstract of a driving record,
10 unless the policyholder was determined to be at fault.

11 (iv) Any insurance company or its agent, for underwriting
12 purposes relating to the operation of commercial motor vehicles, may
13 not use any information contained in the abstract relative to any
14 person's operation of motor vehicles while not engaged in such
15 employment. Any insurance company or its agent, for underwriting
16 purposes relating to the operation of noncommercial motor vehicles,
17 may not use any information contained in the abstract relative to any
18 person's operation of commercial motor vehicles.

19 (v) The director may enter into a contractual agreement with an
20 insurance company or its agent for the limited purpose of reviewing
21 the driving records of existing policyholders for changes to the
22 record during specified periods of time. The department shall
23 establish a fee for this service, which must be deposited in the
24 highway safety fund. The fee for this service must be set at a level
25 that will not result in a net revenue loss to the state. Any
26 information provided under this subsection must be treated in the
27 same manner and is subject to the same restrictions as driving record
28 abstracts.

29 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
30 the driving record maintained by the department covering the period
31 of not more than the last five years may be furnished to an alcohol/
32 drug assessment or treatment agency approved by the department of
33 social and health services to which the named individual has applied
34 or been assigned for evaluation or treatment, for purposes of
35 assisting employees in making a determination as to what level of
36 treatment, if any, is appropriate, except that the abstract must:

37 (i) Also include records of alcohol-related offenses, as defined
38 in RCW 46.01.260(2), covering a period of not more than the last ten
39 years; and

1 (ii) Indicate whether an alcohol-related offense was originally
2 charged as a violation of either RCW 46.61.502 or 46.61.504.

3 (g) **Attorneys—City attorneys ((and)), county prosecuting**
4 **attorneys, and named individual's attorney of record.** An abstract of
5 the full driving record maintained by the department, including
6 whether a recorded violation is an alcohol-related offense, as
7 defined in RCW 46.01.260(2), that was originally charged as a
8 violation of either RCW 46.61.502 or 46.61.504, may be furnished to
9 city attorneys (~~((and))~~), county prosecuting attorneys, or the named
10 individual's attorney of record. City attorneys (~~((and))~~), county
11 prosecuting attorneys, or the named individual's attorney of record
12 may provide the driving record to alcohol/drug assessment or
13 treatment agencies approved by the department of social and health
14 services to which the named individual has applied or been assigned
15 for evaluation or treatment.

16 (h) **State colleges, universities, or agencies, or units of local**
17 **government.** An abstract of the full driving record maintained by the
18 department may be furnished to (i) state colleges, universities, or
19 agencies for employment and risk management purposes or (ii) units of
20 local government authorized to self-insure under RCW 48.62.031 for
21 employment and risk management purposes.

22 (i) **Superintendent of public instruction.** An abstract of the full
23 driving record maintained by the department may be furnished to the
24 superintendent of public instruction for review of public school bus
25 driver records. The superintendent or superintendent's designee may
26 discuss information on the driving record with an authorized
27 representative of the employing school district for employment and
28 risk management purposes.

29 (3) **Release to third parties prohibited.** Any person or entity
30 receiving an abstract of a person's driving record under subsection
31 (2)(b) through (i) of this section shall use the abstract exclusively
32 for his, her, or its own purposes or as otherwise expressly permitted
33 under this section, and shall not divulge any information contained
34 in the abstract to a third party.

35 (4) **Fee.** The director shall collect a thirteen dollar fee for
36 each abstract of a person's driving record furnished by the
37 department. Fifty percent of the fee must be deposited in the highway
38 safety fund, and fifty percent of the fee must be deposited according
39 to RCW 46.68.038.

1 (5) **Violation.** (a) Any negligent violation of this section is a
2 gross misdemeanor.

3 (b) Any intentional violation of this section is a class C
4 felony.

5 (6) Effective July 1, 2019, the contents of a driving abstract
6 pursuant to this section shall not include any information related to
7 sealed juvenile records unless that information is required by
8 federal law or regulation.

9 **Sec. 13.** RCW 9.94A.589 and 2002 c 175 s 7 are each amended to
10 read as follows:

11 (1)(a) Except as provided in (b) (~~(e)~~), (c), or (d) of this
12 subsection, whenever a person is to be sentenced for two or more
13 current offenses, the sentence range for each current offense shall
14 be determined by using all other current and prior convictions as if
15 they were prior convictions for the purpose of the offender score:
16 PROVIDED, That if the court enters a finding that some or all of the
17 current offenses encompass the same criminal conduct then those
18 current offenses shall be counted as one crime. Sentences imposed
19 under this subsection shall be served concurrently. Consecutive
20 sentences may only be imposed under the exceptional sentence
21 provisions of RCW 9.94A.535. "Same criminal conduct," as used in this
22 subsection, means two or more crimes that require the same criminal
23 intent, are committed at the same time and place, and involve the
24 same victim. This definition applies in cases involving vehicular
25 assault or vehicular homicide even if the victims occupied the same
26 vehicle.

27 (b) Whenever a person is convicted of two or more serious violent
28 offenses arising from separate and distinct criminal conduct, the
29 standard sentence range for the offense with the highest seriousness
30 level under RCW 9.94A.515 shall be determined using the offender's
31 prior convictions and other current convictions that are not serious
32 violent offenses in the offender score and the standard sentence
33 range for other serious violent offenses shall be determined by using
34 an offender score of zero. The standard sentence range for any
35 offenses that are not serious violent offenses shall be determined
36 according to (a) of this subsection. All sentences imposed under
37 (~~(b) or (e)~~) this subsection (1)(b) shall be served consecutively to
38 each other and concurrently with sentences imposed under (a) of this
39 subsection.