Agency: Washington State Patrol

Effective date of rule:
Permanent Rules
☑ 31 days after filing.
☐ Other (specify) _______ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
☐ Yes ☒ No ☐ If Yes, explain:

Purpose: To amend language in WAC 446-20-160 to specify that RCW 43.43.730; s de novo hearing process applies to the WSP, allow an individual to appear after a refusal by WSP to alter a record.

Citation of rules affected by this order:
New:
Repealed:
Amended: 446-20-160
Suspected:

Statutory authority for adoption: 10.97.080

Other authority:

PERMANENT RULE (Including Expedited Rule Making)
Adopted under notice filed as WSR 19.22-055 on November 4, 2019 (date).
Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Kimberly Mathis, Agency Rules Coordinator
Address: 106 11th Avenue SW; Olympia WA 98504
Phone: 360-596-4017
Fax:
TTY:
Email: wsprules@wsp.wa.gov
Web site: wsp.wa.gov
Other:
Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:
- New ___
- Amended ___
- Repealed ___

Federal rules or standards:
- New ___
- Amended ___
- Repealed ___

Recently enacted state statutes:
- New ___
- Amended ___
- Repealed ___

The number of sections adopted at the request of a nongovernmental entity:
- New ___
- Amended 1
- Repealed ___

The number of sections adopted on the agency’s own initiative:
- New ___
- Amended ___
- Repealed ___

The number of sections adopted in order to clarify, streamline, or reform agency procedures:
- New ___
- Amended ___
- Repealed ___

The number of sections adopted using:

Negotiated rule making:
- New ___
- Amended ___
- Repealed ___

Pilot rule making:
- New ___
- Amended ___
- Repealed ___

Other alternative rule making:
- New ___
- Amended ___
- Repealed ___

Date Adopted: December 13, 2019

Name: John R. Batiste

Title: Chief

Signature: [Signature]

WAC 446-20-160  Review of refusal to alter record. A person who is the subject of a criminal record and who disagrees with the refusal of the agency maintaining or submitting the record to correct, complete, or delete the record, may request a review of the refusal within twenty business days of the date of receipt of such refusal. The request for review must be in writing, and must be made by the completion of a form substantially equivalent to that set forth in WAC 446-20-410. If review is requested in the time allowed, the head of the agency whose record or submission has been challenged must complete the review within thirty days and make a final determination of the challenge. The head of the agency may extend the thirty-day period for an additional period not to exceed thirty business days. If the head of the agency determines that the challenge should not be allowed, he or she must state his or her reasons in a written decision, a copy of which must be provided to the subject of the record. Denial by the agency head will constitute a final decision under RCW (34.04.130) 34.05.570. Notwithstanding this section, RCW 43.43.730 governs an individual's request to the Washington state patrol identification and criminal history section to purge, modify, or supplement that individual's criminal history record information on file with the Washington state patrol identification and criminal history section.