

ALIGNMENT OF COURT EXHIBIT RETENTION SCHEDULES



RCW 36.23.070 authorizes the County Clerk to apply to the court for an order authorizing exhibit destruction at any time more than six years after entry of the final judgment. However, in the 2024 legislative session, **Senate Bill 5937** amended **RCW 9A.44.026** and requires that certain exhibits be destroyed five years after the final judgment. This creates different retention requirements within the same case type and the different requirements creates the possibility of confusion and errors in exhibit retention and destruction.

Under the new requirement, Clerks will need to destroy some exhibits in a case in 5 years, and then revisit the case a second time a year later. This is not an efficient or effective use of resources in systems that are already stretched beyond capacity; and creates the possibility of confusion and errors in exhibit retention and management.

The Washington Association of County Clerks (WSACC) are joined by all WACO members in seeking to align the two retention schedules by lowering the standard retention to five years to match the schedule amended in 2024.

Jennifer Wallace - Executive Director
jennifer@countyofficials.org
360-489-3042

Timothy Grisham - Deputy Director
tim@countyofficials.org
360-489-3044

