

HOUSE BILL REPORT

SB 5810

As Passed House - Amended:

April 11, 2013

Title: An act relating to exemption of information contained in the department of corrections' security threat group database.

Brief Description: Allowing the department of corrections to exempt information contained in the internal database on security threat group data from dissemination under the public records act.

Sponsors: Senators Darneille, Carrell and Shin; by request of Department of Corrections.

Brief History:

Committee Activity:

Government Operations & Elections: 3/19/13, 3/20/13, 3/26/13 [DPA].

Floor Activity:

Passed House - Amended: 4/11/13, 97-0.

Brief Summary of Bill (As Amended by House)

- Exempts from public disclosure portions of records contained in the security threat group database that identify an individual or an individual security threat.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Hunt, Chair; Bergquist, Vice Chair; Buys, Ranking Minority Member; Alexander, Carlyle, Fitzgibbon, Orwall and Van De Wege.

Minority Report: Do not pass. Signed by 3 members: Representatives Taylor, Assistant Ranking Minority Member; Kristiansen and Manweller.

Staff: Marsha Reilly (786-7135).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure. The Department of Corrections' (DOC) special investigations services unit collects, evaluates, collates, and analyzes data and specific investigative information concerning the existence, structure, activities, and operations of security threat groups, drugs, and violence within the DOC facilities and the participants involved. The data is entered into a centralized database and is used to maintain the safety and security of offenders, staff, facilities, and the public.

Summary of Amended Bill:

The DOC may collect, evaluate, and analyze data and specific investigative and intelligence information concerning the existence, structure, activities, and operations of security threat groups and the participants involved. The compiled data may aid in addressing violence reduction, illegal activities, and identification of offender separation or protection needs and may be used to assist law enforcement agencies and prosecutors in developing evidence for purposes of criminal prosecution. Security threat group information collected and maintained by the DOC is exempt from public disclosure as follows:

- information that could lead to the identification of a person's security threat group status, affiliation, or activities;
- information that reveals specific security threats associated with the operation and activities of security threat groups; and
- information that identifies the number of security threat group members, affiliates, or associates.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will reduce threats and improve safety in our criminal justice system.

(In support with amendments) Security threat groups are known as gangs within the DOC. The information needs to be managed. The exemption could be a "catch-all" for all information within the database. An amendment is suggested to modify the exemption to information relating to a security threat. The amendment should also cross reference the Public Disclosure Act under chapter 42.56 RCW.

(Opposed) None.

Persons Testifying: (In support) Senator Darneille, prime sponsor; and Dan Pacholke, Department of Corrections.

(In support with amendments) Rowland Thompson, Allied Daily Newspapers.

Persons Signed In To Testify But Not Testifying: None.