

FINAL BILL REPORT

HB 2583

C 233 L 94
Synopsis as Enacted

Brief Description: Concerning documents that are exempt from public inspection.

By Representatives Veloria, Reams, Anderson, J. Kohl, Wood and Campbell.

House Committee on State Government
Senate Committee on Law & Justice

Background: Under the Public Disclosure Act (PDA), client records maintained by domestic violence programs are exempt from public disclosure to the extent that disclosure would violate personal privacy or vital governmental interests. Additionally, these client records are only subject to discovery in judicial proceedings by court order. However, the definition of "domestic violence program" is limited to those agencies that provide shelter, advocacy and counseling for domestic violence victims. Many local programs provide some, but not all, of these services. Specifically, many local programs do not provide shelter, and thus their client records are subject to discovery and public disclosure.

The PDA does not provide a clear exemption for a governmental agency's investigation into possible misconduct by one of its employees. For instance, in sexual harassment cases, both the accused and the accuser could obtain access to the investigatory file while the investigation is being conducted. Current law does exempt from disclosure pending investigations conducted by law enforcement agencies and civil rights agencies.

Summary: Client records maintained by domestic violence programs that provide shelter, advocacy, or counseling are subject to discovery only by court order and are exempt from disclosure under the Public Disclosure Act to the extent that disclosure would violate personal privacy or vital governmental interests.

Investigative records compiled by an employing agency conducting a current investigation of a violation of the law against discrimination or other federal, state or local laws prohibiting employment discrimination are exempt from disclosure to the extent that disclosure would violate personal privacy or vital governmental interests.

Votes on Final Passage:

House	95	0	
Senate	46	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 1, 1994