

SENATE BILL REPORT

HB 2583

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 22, 1994

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

**SPONSORS:** Representatives Veloria, Reams, Anderson, J. Kohl, Wood and Campbell

**HOUSE COMMITTEE ON STATE GOVERNMENT**

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** Do pass as amended.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

**Staff:** Lidia Mori (786-7755)

**Hearing Dates:** February 16, 1994; February 22, 1994

**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 an employing agency's internal disciplinary investigations. 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.

**SUMMARY OF PROPOSED COMMITTEE AMENDMENT:**

Domestic violence program means a program that provides shelter, advocacy or counseling services for domestic violence victims.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested

**Effective Date:** July 1, 1994

**TESTIMONY FOR:**

This bill promotes good public policy. It encourages the investigation of alleged violations of laws prohibiting employment discrimination.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Shelly Cohen, Seattle Human Rights Dept.; Sharon Case, Coalition Against Domestic Violence