

HOUSE BILL ANALYSIS

HB 2326

Title: An act relating to law enforcement personnel records and internal affairs files.

Brief Description: Limiting access to law enforcement personnel records and internal affairs files.

Sponsors: Representatives Sterk, Bush, Van Luven, Dunn and Sheahan.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

Background: Under the state's Public Disclosure Act most documents and files of a public agency are "public" and subject to disclosure to anyone making a request for the documents or files. However, the act contains a variety of exemptions from this general rule.

Among materials that are exempt from the disclosure requirement is personal information in an employee's files that would, if disclosed, violate the employee's right to privacy. There is no general exemption from the disclosure requirement, however, for personnel records of an employee. Another exemption is provided for "intelligence information and specific investigative records," the nondisclosure of which is "essential to effective law enforcement or for the protection of a person's right to privacy. There is, however, no general exemption for the internal affairs files of a law enforcement agency.

Summary of Bill: An exemption is provided from the disclosure requirements of the Public Disclosure Act for the personnel records and internal affairs files of law enforcement personnel.

Law enforcement agencies are prohibited from releasing these same records or files to parties to a civil or criminal legal action without the consent of the personnel in question, or a court order.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research