

# HOUSE BILL REPORT

## HB 2458

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### As Reported By House Committee On:

State Government

**Title:** An act relating to public records requests from incarcerated individuals.

**Brief Description:** Denying prisoners access to public records.

**Sponsors:** Representatives Ballasiotes, Koster, B. Chandler, Cairnes, O'Brien, Bush, Schoesler, Talcott, Pflug, Esser, Benson, Lovick and Mulliken.

### Brief History:

#### Committee Activity:

State Government: 1/28/00, 2/4/00 [DP].

<h4>Brief Summary of Bill</h4>
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- Prohibits agencies from making public records available to prisoners.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass. Signed by 5 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair and D. Schmidt.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Dunshee; Haigh and Lambert.

**Staff:** Jim Morishima (786-7191).

### Background:

Initiative 276, approved by the voters in 1972, requires that state agencies make all public records available for public inspection and copying unless they fall within certain statutory exceptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions narrowly in order to effectuate a general policy favoring disclosure.

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**Summary of Bill:**

Agencies must not make public records available to an individual incarcerated in a federal, state, or local correctional facility. This includes facilities located outside of Washington and facilities operated by private contractors. Prisoners are not prohibited from exercising their constitutional right to obtain exculpatory evidence in a criminal prosecution.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Responding to requests from inmates for public records exhausts a great deal of state resources. Information being sought by inmates may endanger prison employees and other inmates.

**Testimony Against:** Personal information about prison employees is already protected. Inmates may have a First Amendment right to this information.

**Testified:** (In support) Representative Ballasiotes, prime sponsor; and Elden Vail, Department of Corrections.

(Opposed) Keith MacFie, Washington Association of Criminal Defense Lawyers.