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## Select Committee on Community Security Committee

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### HB 2411

**Brief Description:** Protecting certain domestic security records.

**Sponsors:** Representatives Haigh, Schmidt, Hurst and Buck; by request of Governor Locke and Attorney General.

#### Brief Summary of Bill

- Amends public disclosure terrorism response plans and vulnerability assessment exemption to include specific types of law enforcement and other records.
- Adds certain intelligence information, investigative records, and national security documents to exemption.

**Hearing Date:** 1/24/02.

**Staff:** Caroleen Dineen (786-7156).

#### Background:

The State Explosives Act (Explosives Act) defines "terrorist act" as an act that is intended to:

- intimidate or coerce a civilian population;
- influence the policy of a branch or level of government by intimidation or coercion;
- affect the conduct of a branch of government by intimidation or coercion; or
- retaliate against a branch or level of government for a policy or conduct of the government.

The Public Disclosure Act (PDA) requires agencies to make available for public inspection and copying all public records, unless the information falls within a specific exemption. The PDA is liberally construed, and its exemptions narrowly construed, to promote a public policy of keeping the public informed. The current exemptions are specific and focus generally on issues of personal privacy, personal safety, or vital governmental interests.

In 2001 the PDA was amended to exempt from public disclosure those portions of records containing specific and unique vulnerability assessments and specific and unique response plans intended to prevent or mitigate criminal terrorist acts, the disclosure of which would have a substantial likelihood of threatening public safety. The 2001 amendment references the definition of "terrorist act" in the Explosives Act.

**Summary of Bill:**

Exempt from public disclosure are records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal acts committed with terroristic intent, the public disclosure of which would have a substantial likelihood of threatening public safety. The exemption for vulnerability assessment and response plan documents is amended to specifically include:

- data and data bases;
- inventories of potentially dangerous or remedial goods or materials collected or assembled to assess and plan for terrorist acts; and
- communication codes or deployment plans of law enforcement or emergency response personnel.

Other records exempt from public disclosure are specific intelligence information and investigative records shared by federal and international law enforcement agencies with state and local law enforcement and public safety agencies. National security records shared with state and local government to assist with domestic preparedness for terrorist acts that are exempt from public disclosure include:

- records classified under federal executive order and not subject to public disclosure under federal law; and
- other records related to national security briefings.

"Terroristic intent" is defined for public disclosure purposes in HB 2314. HB 2314 defines "terroristic intent" as the intent to use a weapon of mass destruction, or to cause substantial damage to a habitable structure or to critical infrastructure with the intent to intimidate or coerce a civilian population or to affect the conduct of a government or unit of government.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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