
State Government Committee

HB 2421

Brief Description: Exempting from public inspection specified information on correctional facilities.

Sponsors: Representatives Morell, O'Brien, Wood, Lovick, Armstrong, Boldt, Cox, Jackley, Kagi and Haigh.

Brief Summary of Bill

- Exempts from public disclosure, records containing certain vulnerability assessments or emergency and escape response plans at a correctional facility.

Hearing Date: 2/1/02

Staff: Bree Ramage (786-7617).

Background:

The Public Disclosure Act (PDA) requires all state and local agencies to make all public records available for public inspection and copying, unless the record falls within certain specified exemptions. The PDA contains detailed requirements for agency processing of requests for public records.

Certain records relating to law enforcement agencies and penology agencies are exempt from the PDA, such as:

- specific intelligence and investigative information compiled by investigative, law enforcement, and penology agencies, if nondisclosure is essential to law enforcement or the protection of a person's right to privacy; and
- with some exceptions, information that reveals the identity of persons who file complaints with investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property.
- records relating to vulnerability assessments and response plans to deal with criminal terrorist acts, if disclosure would likely threaten public safety. (added 2001 session)

Under regulations, the Department of Corrections (DOC) must formulate written emergency procedures appropriate for specific facilities relative to escapes, riots, rebellions, assaults,

injuries, suicides, outbreak of infectious disease, fire, acts of nature, and any other major disturbance. The emergency plans must outline the responsibilities of jail facility staff, evacuation procedures, and placement of prisoners after removal from a facility. There is no specific statutory exemption for these records.

Summary of Bill:

Records containing weaknesses in correctional facility security or records containing specific and unique emergency and escape response plans, the disclosure of which would likely threaten correctional facility security or individual safety, are exempt from the PDA.

Rulemaking Authority: No express authority.

Appropriation: None.

Fiscal Note: Not Requested.

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