

HOUSE BILL REPORT

SSB 5255

As Passed House:

April 10, 2001

Title: An act relating to the public disclosure of specific and unique information related to criminal acts of terrorism.

Brief Description: Exempting certain information on criminal acts from public disclosure.

Sponsors: By Senate Committee on Judiciary (originally sponsored by Senators Kastama, Regala and Costa).

Brief History:

Committee Activity:

State Government: 3/19/01, 3/28/01 [DP].

Floor Activity:

Passed House: 4/10/01, 94-0.

Brief Summary of Substitute Bill

- Exempts from public inspection and copying vulnerability assessments and response plans intended to prevent or mitigate criminal terrorist acts.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh, Lambert, McDermott and D. Schmidt.

Staff: Catherine Blinn (786-7114).

Background:

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 generally focus on personal privacy, personal safety, or vital governmental interests. The list of exemptions includes:

- 1) Intelligence and information compiled by investigative, law enforcement, and penal agencies where confidentiality is essential to effective law enforcement or to the protection of a person's right to privacy;
- 2) Information revealing the identities of witnesses or victims of crime, or identities of persons who file complaints with investigative, law enforcement or penal agencies, where disclosure would endanger any person's life, physical safety, or property;
- 3) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

A terrorist act is defined as an act intended to (1) intimidate or coerce a civilian population; (2) influence the policy of a branch or level of government by intimidation or coercion; (3) affect the conduct of a branch or level of government by intimidation or coercion; or (4) retaliate against a branch or level of government for a policy or conduct.

Summary of Bill:

Exempt from public disclosure are 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.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: Federal grants for emergency management plans require government agencies to conduct vulnerability assessments. These vulnerability assessments currently must be disclosed to the public upon request. This language has been worked out with the media interests to strike a balance between making information available to the public to allow for appropriate public scrutiny, without allowing sensitive information revealing vulnerable sites to be disclosed to people who want to intentionally threaten public safety.

Testimony Against: None.

Testified: Senator Kastama, prime sponsor; and Glen Woodbury, Director, Emergency Management Division, Military Department.