

# SENATE BILL REPORT

## ESHB 2411

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As Reported By Senate Committee On:  
State & Local Government, February 28, 2002

**Title:** An act relating to exemptions from disclosure of public records for domestic security purposes.

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

**Sponsors:** House Committee on Select Committee on Community Security (originally sponsored by Representatives Haigh, Schmidt, Hurst and Buck; by request of Governor Locke and Attorney General).

**Brief History:**

**Committee Activity:** State & Local Government: 2/27/02, 2/28/02 [DP, DNP].

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### SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Gardner, Chair; Hale, Haugen, Horn, Keiser, McCaslin, Roach, T. Sheldon and Swecker.

**Minority Report:** Do not pass.

Signed by Senator Fairley, Vice Chair.

**Staff:** Mac Nicholson (786-7445)

**Background:** It has been argued that the events of September 11, 2001, have focused our nation's attention on the importance of preparedness in preventing, investigating, and prosecuting acts of terrorism. To further that effort, some have argued that certain records should be exempt from public inspection and copying.

**Summary of Bill:** The following records are exempt from public inspection and copying: those portions of records assembled, prepared, or maintained to prevent mitigate, or respond to terrorism crimes specified in sections 3 through 8 of SHB 2879, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of: (1) specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or the response or deployment plans; and (2) records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

Also exempt from public inspection and copying is information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security

and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

No later than September 1, 2004, the Joint Legislative Audit and Review Committee (JLARC) must review the effect of the above exemptions on state agency performance in responding to requests for disclosure. JLARC must report its findings to the Legislature no later than November 30, 2004.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Some records must be exempt from public disclosure for the purpose of preventing terrorist acts. This bill exempts exactly what needs to be exempt and nothing more.

**Testimony Against:** None.

**Testified:** Christine Gregoire, Attorney General; Fred Hellberg, Governor's Office.