

# SENATE BILL REPORT

## SB 5255

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As Reported By Senate Committee On:  
Judiciary, February 26, 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:** Senators Kastama, Regala and Costa.

**Brief History:**

**Committee Activity:** Judiciary: 2/15/01, 2/26/01 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5255 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

**Staff:** Dick Armstrong (786-7460)

**Background:** In October 1999, the Governor directed the Washington State Emergency Management Council (EMC), a statutory multi-jurisdictional body charged with assessing public safety risk and making recommendations on public policy regarding emergency management, to plan for and respond to criminal terrorist's incidents, including the use of explosive devices, cyberterrorism, and chemical, biological or radiological attacks.

Public agencies across the state have started the task of conducting vulnerability assessments and developing emergency response plans for incidents involving the domestic use of chemical, biological, nuclear and radiological weapons, as well as domestic acts of terrorism involving conventional weapons with catastrophic consequences.

The EMC is asking the Legislature to exempt such plans from disclosure through the Public Disclosure Act.

**Summary of Substitute Bill:** Those portions of records of public agencies containing specific and unique vulnerability assessments or response plans intended to prevent or mitigate criminal acts of terrorism are exempt from public inspection and copying, if the public release has a substantial likelihood of threatening public safety.

**Substitute Bill Compared to Original Bill:** Technical and clarifying amendments were made to the original bill to carry out the intent of the sponsors.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This is a common sense bill that will protect the ability of public agencies to counteract terrorists. A wide variety of agencies support this bill to keep criminals from knowing how agencies will respond to criminal acts of terrorism. Local public health officials also support the bill because it will protect our citizens. Terrorist organizations may use biological attacks to cause catastrophic problems.

There are risks and threats to the public highways of the state.

**Concerns:** We have concerns with the intent section, which will clutter up the Public Disclosure Act. Agencies need authority to disclose information to other agencies. The language should be more precise.

**Testimony Against:** None.

**Testified:** Senator Kastama, prime sponsor (pro); General Lowenberg, Emergency Management Council (pro); Bill Estrom, WA State Assn. of Health Officials (pro); Chief Leichner, EMC (pro); Terry Simmonds, DOT (pro); Roland Thompson, Allied Daily Newspapers.