

HB 3292 - DIGEST

Requires a governing body holding an executive session under this act to make a verbatim audio recording of the complete executive session and retain the recording for a period of two years. Such recordings are public records not subject to public inspection and copying under chapter 42.56 RCW except by court order as specified in this act, or unless authorized by the governing body.

Provides in an action under chapter 42.30.110 RCW alleging a violation of the executive session provisions in this act, a party challenging the lawfulness of the executive session bears the burden of proof.

Provides if the party challenging the lawfulness of the executive session supports its allegation with credible evidence, supported by declaration or affidavit, the court shall review the entire verbatim audio recording in camera. After such review, if the court finds that the executive session was not in compliance with the provisions of this chapter related to such session, it may order disclosure of only those portions of the verbatim audio recording of the executive session found not in compliance, subject to such other exemptions as may exist in law. The remainder of the verbatim audio recording found to comply with this chapter shall not be disclosed.