

# SENATE BILL REPORT

## SB 5099

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As of January 25, 2011

**Title:** An act relating to inspection or copying of nonexempt public records by persons incarcerated.

**Brief Description:** Concerning the inspection or copying of nonexempt public records by persons incarcerated.

**Sponsors:** Senators Carrell and Delvin.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/20/11.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Shani Bauer (786-7468)

**Background:** The court may enjoin the examination of any nonexempt public record requested by a person serving a criminal sentence in a state, local, or privately operated correctional facility if, upon motion by an agency, a person named in the request, or a person to whom the request specifically pertains, the court finds that:

- the request was made to harass or intimidate the agency or its employees;
- fulfilling the request would likely threaten the security of correctional facilities;
- fulfilling the request would likely threaten the safety or security of staff, inmates, family members of staff, family members of other inmates, or any other person; or
- fulfilling the request may assist criminal activity.

**Summary of Bill:** The court may enjoin a request by a person who is incarcerated in a correctional facility rather than a person serving a criminal sentence in a correctional facility.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff Summary of Public Testimony:** PRO: Many of the inmates held in jail are being held pending trial for a criminal sentence. The current provision therefore does not apply to them and the jail cannot use the provision to stop inmates from abusing the public records system to collect information about officers.

CON: Individuals held pending trial have not been convicted yet and it is wrong to curtail their rights to request public records. These are records they may need to defend their case. Further, the time periods that individuals are held pre-trial before bail is set are relatively short. It is hard to imagine that this provision could be useful in that context.

**Persons Testifying:** PRO: Martha Karr, Chief of Corrections, Pierce County Jail.

CON: Rowland Thompson, Allied Daily Newspapers.