

# HOUSE BILL REPORT

## HB 1505

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### As Amended by the Senate

**Title:** An act relating to confidential information of child victims of sexual assault.

**Brief Description:** Concerning confidential information of child victims of sexual assault.

**Sponsors:** Representatives Klippert, Kraft and Appleton.

#### Brief History:

##### Committee Activity:

Public Safety: 2/15/19, 2/19/19 [DP].

##### Floor Activity:

Passed House: 3/6/19, 97-0.

Senate Amended.

Passed Senate: 4/16/19, 48-0.

#### Brief Summary of Bill

- Exempts certain identifying information and contact information of alleged and proven child victims of sexual assault from public disclosure under the Public Records Act, and restricts disclosure of the same information under the Criminal Records Privacy Act.

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#### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 11 members: Representatives Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

**Staff:** Kelly Leonard (786-7147).

#### Background:

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless an exemption applies. The stated policy of the PRA favors disclosure and requires narrow application of the statutory exemptions.

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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.*

Certain investigative, law enforcement, and crime victim information is exempt from disclosure under the PRA. Information revealing the identity of children who are victims of sexual assault is covered under the exemption. Such information includes the victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

In addition, the Criminal Records Privacy Act (CRPA) contains restrictions on the disclosure of information regarding child victims of sexual assault by criminal justice agencies. These restrictions mirror the exemptions under the PRA; however, the information may be disclosed with the permission of the child victim or his or her legal guardian.

### **Summary of Bill:**

The exemption from and restrictions on disclosure are modified to include identifying information of both alleged and proven child victims of sexual assault.

The following information is exempt from disclosure under the PRA and restricted from disclosure under the CRPA:

- information revealing the specific details that describe an alleged or proven child victim of sexual assault; and
- contact information of an alleged or proven child victim, including phone numbers, email addresses, social media profiles, and usernames and passwords.

The restrictions under the CRPA are modified to require the permission of both the child victim and his or her legal guardian before disclosing information.

### **EFFECT OF SENATE AMENDMENT(S):**

Language is added specifying that the applicable disclosure restrictions in the Criminal Records Privacy Act do not apply to court documents or other materials admitted in open judicial proceedings.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) Whether one considers this issue from the parent's perspective or the child's perspective, this is clearly information that should not be disclosed to the public. The state should protect a child from having to relive the horror of an assault over and over again. By protecting contact information, the state prevents children from being contacted and having to relive those horrors. Please protect the children.

A recent incident involved the disclosure of information regarding a specific sexual assault victim, which is currently mandated by the law. The victim was terrified because it would have ultimately revealed her identity. The victim had to take legal action to prevent the disclosure. The law needs to be updated for our current times in a manner that is more protective of sexual assault survivors. Law enforcement agencies do not want to disclose this information, but they believe they are obligated to do so under current law. It puts the burden on the child victim to hire a lawyer and file an injunction to prevent disclosure.

(Opposed) None.

(Other) The bill amends a statute that was previously found to be unconstitutional. The impetus for the original law arose from an incident in Mason County where a local newspaper was publishing the names of child victims. The Legislature responded by trying to limit the information the court can release; however, the court found the particular provision to be unconstitutional in *Allied Daily Newspapers v. Eikenberry*.

**Persons Testifying:** (In support) Representative Klippert, prime sponsor; and David Ward, Legal Voice.

(Other) Rowland Thompson, Allied Daily Newspapers of Washington.

**Persons Signed In To Testify But Not Testifying:** None.