

SENATE BILL REPORT

HB 1505

As Passed Senate - Amended, April 16, 2019

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: Passed House: 3/06/19, 97-0.

Committee Activity: Law & Justice: 3/26/19, 4/02/19 [DPA].

Floor Activity:

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

Brief Summary of Bill (As Amended by Senate)

- Exempts certain identifying information and contact information of alleged and proven child victims of sexual assault from public disclosure under the Public Records Act.
- Restricts disclosure of the same information under the Criminal Records Privacy Act.
- Does not apply to court documents or other materials admitted in open judicial proceedings.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer and Salomon.

Staff: Tim Ford (786-7423)

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.

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 the victim's legal guardian.

Summary of Amended 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 the victim's legal guardian before disclosing information.

These changes do not apply to court documents or other materials admitted in open judicial proceedings.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: It is not right when children are victims of sexual assault. If we allow their contact information or details of the assault to be publicly disclosed, it can cause the child to live the assault over again. This bill seeks to protect these children and prevent the details of a sexual assault from being released to the public. The law needs to be updated to address technology that did not exist when the law was originally enacted, such as social media accounts and email addresses. The cooperation of children and their families is essential to prosecute sexual assault cases. Revealing their identity can chill them from reporting sexual assault.

Persons Testifying: PRO: Representative Brad Klippert, Prime Sponsor; David Ward, Legal Voice.

Persons Signed In To Testify But Not Testifying: No one.