

# SENATE BILL REPORT

## HB 2484

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As of February 26, 2020

**Title:** An act relating to sunshine committee recommendations regarding juveniles.

**Brief Description:** Concerning sunshine committee recommendations regarding juveniles.

**Sponsors:** Representatives Van Werven, Springer and Cody; by request of Public Records Exemptions Accountability Committee.

**Brief History:** Passed House: 2/13/20, 97-1.

**Committee Activity:** State Government, Tribal Relations & Elections: 2/28/20.

### Brief Summary of Bill

- Allows the subject of information, or, in the case of a child, the child's parent or guardian, to consent to disclosure of otherwise exempt personal information.
- Modifies the identifying information of certain child victims and witnesses that is exempt or restricted from disclosure.
- Modifies restrictions on the release of information concerning offenses committed by juveniles.
- Exempts records regarding certain Child Protective Services investigations until the conclusion of the investigation.

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### SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

**Staff:** Samuel Brown (786-7470)

**Background:** Public Records Act. The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires that all state and local government agencies make all public records available for public inspection and copying unless certain statutory exemptions apply. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public

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records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Personal and Identifying Information. Certain personal information related to children is exempt from PRA disclosure requirements, including personal information in files maintained for students in public schools and files maintained by the Department of Youth, Children, and Families for children enrolled in licensed child care.

Information revealing specific details or the identity of a child victim of sexual assault, such as the victim's name, address, location, photograph, and the relationship between the child and the alleged perpetrator if the child victim is a relative or stepchild of the alleged perpetrator, is exempt from disclosure. A child victim of sexual assault's contact information, including phone numbers, electronic mail (email) addresses, social media profiles, and usernames and passwords, is also exempt. Under the Criminal Records Privacy Act, this information may be disclosed by a criminal justice agency with permission of the child victim or their legal guardian.

Juvenile Records. Official juvenile court files are generally open to public inspection unless sealed. Other juvenile records are confidential and may only be released under certain circumstances. The release of law enforcement and prosecuting attorney records pertaining to juvenile offenses to the juvenile or their attorney are governed by rules of discovery and rules of law applicable to adult criminal investigations and prosecutions.

Upon the decision to arrest or the arrest of a juvenile, law enforcement and prosecuting attorneys may cooperate with schools in releasing information regarding the investigation of a juvenile, including incident reports, subject to certain restrictions. Upon request, the identity of an alleged or proven juvenile offender and the circumstance of an alleged or proven crime may be released to the alleged or proven victim or their immediate family members.

**Summary of Bill:** Personal Information. The subject of the information, or in the case of a child, the child's parent or guardian may consent to disclosure of otherwise exempt personal information.

Identifying Information of Children. The following identifying information of child victims of crimes or sexual assault and child witnesses is exempt or restricted from disclosure:

- telephone number;
- email address;
- social media identifier;
- image; and
- location, except the location of an assault when it is not the child's address.

Juvenile Offense Records. Upon request, law enforcement and prosecuting attorney records pertaining to juvenile offenses must be released to a juvenile offender or their attorney, parent, or legal guardian. Upon the decision to arrest or the arrest of a juvenile, unredacted incident reports may be released to a school unless redaction is necessary to avoid jeopardizing the investigation or prosecution or endangering witnesses, other students, staff,

or school property. Incident reports of offenses alleged to have been committed by a juvenile must be released to the victim of the crime or the victim's immediate family upon request.

Child Protective Services Investigations. Records regarding an ongoing Child Protective Services investigation in conjunction with an early learning licensing complaint inspection may not be disclosed during the course of the investigation, but must be made available when requested after the conclusion of the investigation.

**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.