

**SHB 1956 - H AMD 861**

By Representative Graham

**NOT ADOPTED 02/09/2022**

1 On page 1, line 8, after "(1)" strike "The" and insert "Except as  
2 provided in subsection 5 of this section, the"

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4 On page 2, line 20, after "(5)" insert "(a) Except as provided  
5 under (b) of this subsection, the exemption provided under subsection  
6 (1)(b) of this section does not apply to the records or information  
7 contained in records of an incarcerated person who has identified as  
8 transgender that are maintained pursuant to the prison rape  
9 elimination act if the department of corrections has identified that  
10 person, after investigation, to be a perpetrator or a victim of sexual  
11 abuse while incarcerated.

12 (b) The records or information contained in records of an  
13 incarcerated person who has identified as transgender that are  
14 maintained pursuant to the prison rape elimination act are exempt from  
15 disclosure pursuant to this section if the incarcerated person is a  
16 victim of rape that occurred while incarcerated. Such records may be  
17 disclosed with the permission of the victim.

18 (6)"

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20 Correct any internal references accordingly.

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EFFECT: Makes records or information contained in records of an incarcerated person who has identified as transgender that are created or maintained pursuant to the Prison Rape Elimination Act not exempt from disclosure if, after investigation, the Department of Corrections has identified that person as a perpetrator or a victim of sexual abuse while incarcerated.

Specifies that the records or information contained in records of an incarcerated person who has identified as transgender that are created or maintained pursuant to the Prison Rape Elimination Act

remain exempt from disclosure if the incarcerated person is a victim of rape that occurred while incarcerated, unless the victim provides permission for disclosure.

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