

# SENATE BILL REPORT

## E2SHB 1317

---

---

As Reported by Senate Committee On:  
Government Operations & Elections, February 23, 2010

**Title:** An act relating to disclosure of public records containing information used to locate or identify employees of criminal justice agencies.

**Brief Description:** Regarding the disclosure of public records containing information used to locate or identify employees of criminal justice agencies.

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representatives Kessler, Rodne, Simpson, O'Brien, Hunt, Hurst, Ormsby, Moeller, Chase, Sullivan and Kelley).

**Brief History:** Passed House: 2/13/10, 95-0.

**Committee Activity:** Government Operations & Elections: 2/23/10 [DP].

---

### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott and Swecker.

**Staff:** Sharon Swanson (786-7447)

**Background:** The Public Records Act requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions.

A denial of a public records request must be accompanied by a written statement of the specific reasons for the denial. Any person who is denied the opportunity to inspect or copy a public record may file a motion to show cause in superior court why the agency has refused access to the record.

A criminal justice agency is a court or a government agency which performs the administration of criminal justice pursuant to a statute or an executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

---

*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.*

**Summary of Bill:** Photographs and month and year of birth found in the personnel files of employees and workers of criminal justice agencies are exempt from public inspection and copying under the Public Records Act.

The news media must still have access to the photographs and birth information.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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

**Staff Summary of Public Testimony:** PRO: It seems as though law enforcement officers are being preyed upon. We need to do whatever we can to protect the personal information of law enforcement officers and corrections workers. The media have been upset by this legislation so they are exempt from the prohibition in the bill. The media provides a valuable service and often, protects the public interest. The intent is not to prevent the media from access to vital public information. There were many requests for personal information related to the four officers recently slain in Lakewood. Family members of the officers report being followed by members of the Maurice Clemmons family. Family members report people driving by their homes. The families felt threatened in addition to their feelings of grief. In one instance a corrections officer had an inmate make a public records request for the officer's photo and birth information. That was used to make fliers claiming the officer was a sex offender. Many times, inmates make requests for personal information as a tool of intimidation against corrections staff. The 8,000 Department of Corrections employees support this bill. This bill is all about officer safety. This bill comes out of the Governor's Task Force related to the Lakewood shootings.

OTHER: Since the testimony in the House on this bill, a review of public records requests shows no actual request for information related to the officers killed in the Lakewood shootings. Personal information related to year of birth, age, and often, residential addresses, can be found on multiple websites. The corrections officer who was target as a sex offender can sue that individual for libel. Defamation is already against the law. The photos of many officers are already available in police station lobbies. There is no link between this bill and officer protection. This bill is a solution in search of a problem. The recent wave of violence against law enforcement officers had no relation to the release of their personal information under the Public Records Act.

**Persons Testifying:** PRO: Representative Kessler, prime sponsor; Scott Blonien, Department of Corrections; Jamie Daniels, Washington Council of Police & Sheriffs; Bill Hanson, Washington Fraternal Organization of Police; Rick Jensen, Washington State Patrol Troopers Association; Anna Tanaurer, Teamsters.

OTHER: Rowland Thompson, Allied Daily Newspapers.