

# SENATE BILL REPORT

## SHB 2326

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As Reported By Senate Committee On:  
Law & Justice, February 27, 1998

**Title:** An act relating to law enforcement personnel records and internal affairs files.

**Brief Description:** Limiting access to law enforcement personnel records and internal affairs files.

**Sponsors:** House Committee on Law & Justice (originally sponsored by Representatives Sterk, Bush, Van Luven, Dunn and Sheahan).

**Brief History:**

**Committee Activity:** Law & Justice: 2/25/98, 2/27/98 [DP].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Fairley, Hargrove, Kline, McCaslin, Stevens and Zarelli.

**Staff:** Harry Steinmetz (786-7421)

**Background:** Rules of evidence govern the kind of evidence that is admissible in a case, how the evidence must be introduced, and the restrictions that apply to the use of particular evidence that is admitted in the action. The court may only allow introduction of "relevant" evidence, which is evidence that has any tendency to make a fact of consequence in the case more or less probable than it would be without the evidence.

Documents or records that contain information that is relevant to the action may also contain irrelevant information that is highly sensitive or prejudicial. The party seeking to prevent disclosure of sensitive material contained in relevant documents may petition the court to review the documents "in camera" and strike out any portions that are not relevant to the trial. "In camera" review of documents by a judge means that the judge reviews the records in his or her chambers or outside the presence of the jurors and spectators.

**Summary of Bill:** A judge in a civil or criminal action where a party offers as evidence the personnel record or internal affairs files of a law enforcement agency may not allow introduction of the record or file without inspecting the records or files in camera to determine the material's relevance. This requirement does not apply to a record or file that relates to a law enforcement officer who is a party to the action.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill is needed because criminal defense attorneys are on "fishing expeditions" and are trying to muddy the waters with private information on police officers. This bill will prevent irrelevant information from being put in front of the jury.

**Testimony Against:** None.

**Testified:** PRO: Representative Mark Sterk, prime sponsor.