

# HOUSE BILL REPORT

## HB 2421

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**As Passed House:**

February 13, 2002

**Title:** An act relating to public access to records concerning security assessments or plans at correctional facilities.

**Brief Description:** Exempting from public inspection specified information on correctional facilities.

**Sponsors:** By Representatives Morell, O'Brien, Wood, Lovick, Armstrong, Boldt, Cox, Jackley, Kagi and Haigh.

**Brief History:**

**Committee Activity:**

State Government: 2/1/02 [DP].

**Floor Activity:**

Passed House: 2/13/02, 97-0.

**Brief Summary of Bill**

- Exempts from public disclosure records containing certain vulnerability assessments or emergency and escape response plans at a correctional facility.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass. Signed by 6 members: Representatives Romero, Chair; Miloscia, Vice Chair; McMorris, Ranking Minority Member; McDermott, Schmidt and Upthegrove.

**Staff:** Bree Ramage (786-7617).

**Background:**

The Public Disclosure Act (PDA) requires all state and local agencies to make all public records available for public inspection and copying, unless the record falls within certain specified exemptions. The PDA contains detailed requirements for agency processing of requests for public records.

Certain records relating to law enforcement agencies and penology agencies are exempt from the PDA, such as:

- specific intelligence and investigative information compiled by investigative, law enforcement, and penology agencies, if non-disclosure is essential to law enforcement or the protection of a person's right to privacy;
- with some exceptions, information that reveals the identity of persons who file complaints with investigative, law enforcement, or penology agencies, if disclosure would endanger any person's life, physical safety, or property; and
- records relating to vulnerability assessments and response plans to deal with criminal terrorist acts, if disclosure would likely threaten public safety.

Under regulations, the Department of Corrections (DOC) must formulate written emergency procedures appropriate for specific facilities relative to escapes, riots, rebellions, assaults, injuries, suicides, outbreak of infectious disease, fire, acts of nature, and any other major disturbance. The emergency plans must outline the responsibilities of jail facility staff, evacuation procedures, and placement of prisoners after removal from a facility. There is no specific statutory exemption for these records.

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**Summary of Bill:**

Records containing weaknesses in correctional facility security or records containing specific and unique emergency and escape response plans, the disclosure of which would likely threaten correctional facility security or individual safety, are exempt from the PDA.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** (In support) These exemptions are very important. Disclosing emergency response procedures would be, in a sports reference, akin to giving opponents the play book in a championship competition. Without these exemptions there is the potential to endanger staff, inmates, and the public.

(Neutral) The Allied Daily Newspapers of Washington is neutral on this bill.

**Testimony Against:** None.

**Testified:** (In support) Representative O'Brien, prime sponsor; and Lynne DeLano,

Department of Corrections.

(Neutral) Rowland Thompson, Allied Daily Newspapers.