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**State Government Operations &  
Accountability Committee**

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**HB 2138**

**Brief Description:** Limiting access to public records by persons convicted of a gross misdemeanor or a felony.

**Sponsors:** Representatives Haigh, Nixon, Miloscia, O'Brien, McDermott, Lovick, Hunt, Clements and Ericks.

**Brief Summary of Bill**

- Prohibits a person convicted of a felony or a gross misdemeanor from obtaining public records while he or she is incarcerated or under the supervision of the Department of Corrections in the community.

**Hearing Date:** 2/28/05

**Staff:** Jim Morishima (786-7191).

**Background:**

A person who is convicted of a gross misdemeanor may be punished by up to a year in prison, a fine of up to \$5,000, or both. A person convicted of a felony may be punished for a term of imprisonment, a fine, or both fine and imprisonment. The term of imprisonment imposed on a convicted felon generally depends on the number of prior offenses the felon has and the seriousness of the felony for which he or she is convicted. A person convicted of a felony may also be sentenced to a term of supervision by the Department of Corrections in the community.

The Public Disclosure Act requires that all state and local government agencies to make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exceptions narrowly in order to effectuate a general policy favoring disclosure.

**Summary of Bill:**

A public record requested by a person convicted of a felony or gross misdemeanor, or a person under the supervision of the Department of Corrections in the community, is exempt from public inspection and copying, unless denial of the record would interfere with the person's right to mount a criminal defense under the federal and state constitutions.

**Appropriation:** None.

**Fiscal Note:** Requested on February 24, 2005.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.