
Public Safety Committee

HB 2019

Brief Description: Prohibiting disclosure of the contact information of a criminal justice agent.

Sponsors: Representatives Klippert and Irwin.

Brief Summary of Bill

- Prohibits a state or local agency from posting on the agency's website the telephone number or home address of any peace officer, judge, prosecuting attorney, or criminal defense attorney without first obtaining written permission.
- Creates the crime of Unlawful Disclosure of Contact Information, involving certain circumstances where a person posts on the internet the telephone number or home address of any peace officer, judge, prosecuting attorney, or criminal defense attorney with the intent to cause or threaten to cause imminent great bodily harm to the person or his or her spouse or minor child.

Hearing Date: 2/19/19

Staff: Kelly Leonard (786-7147).

Background:

Disclosure of Information by State and Local Agencies.

The Public Records Act (PRA) requires state and local agencies to make all public records available for public inspection and copying, unless a record falls within a specified exemption. State law encourages agencies to make commonly requested records available on agency websites in order to conserve taxpayer resources. When responding to a request for public records, it is sufficient for an agency to provide a link to an agency website where those records are accessible.

To the extent required to prevent an unreasonable invasion of personal privacy interests, an agency must delete identifying details when making a public record available. A person's right to

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privacy is violated only if disclosure would be highly offensive to a reasonable person and is not of legitimate concern to the public. In addition, the PRA provides an express exemption from disclosure of certain personal information in public employee personnel records and volunteer rosters, including residential and email addresses, telephone numbers, Social Security and driver's license numbers, and emergency contact information.

The Public Records Act is liberally construed and its exemptions narrowly construed. If the PRA conflicts with any other law, the provisions of the PRA govern. Further, agencies are generally protected from liability when favoring disclosure.

Criminal Consequences.

A person who posts information on the Internet for the purpose of threatening or harassing another person may be in violation of certain criminal laws, including, for example, Harassment, Cyberstalking, and Disclosing Intimate Images.

Consequences for violating criminal laws vary depending on the specific crime and underlying circumstances. Crimes are classified as misdemeanors, gross misdemeanors, or felonies. While there are exceptions, the classification of a crime generally determines the maximum term of confinement and/or fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

For felony crimes, the Sentencing Reform Act (SRA) provides the framework for determining the length of sentences imposed by the court. Base sentences are determined by reference to a sentencing grid, which provides a standard range of months of confinement. This range is based on both the statutorily designated "seriousness level" of the crime and the convicted person's "offender score," which is based on the offender's criminal history. Seriousness levels range from I to XVI. A higher seriousness level or offender score generally results in a longer term of confinement.

In the criminal code, "bodily injury" means physical pain or injury, illness, or an impairment of physical condition. "Great bodily harm" means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ.

Summary of Bill:

Disclosure of Information by State and Local Agencies.

A state or local agency may not post on the agency's website the telephone number or home address of any peace officer, judge, prosecuting or deputy prosecuting attorney, or criminal defense attorney without first obtaining the written permission of that individual.

Unlawful Disclosure of Contact Information.

"Criminal justice agent" means a peace officer, judge, prosecuting or deputy prosecuting attorney, or criminal defense attorney.

The crime of Unlawful Disclosure of Contact Information is created. A person is guilty of Unlawful Disclosure of Contact Information if:

- the person posts on the Internet the telephone number or home address of any criminal justice agent or the agent's spouse or minor child;
- the person posts with the intent to cause or threaten to cause imminent great bodily harm to the criminal justice agent or the agent's spouse or minor child; and
- the posting places the criminal justice agent or the agent's spouse or minor child in reasonable fear of harm. The fear must be a fear that a reasonable person would have under all of the same circumstances.

The crime does not apply to specified entities solely as a result of content provided by another person, including an interactive computer service, a provider of public or private mobile phone service, and a telecommunications network or broadband provider.

Unlawful Disclosure of Contact Information is a gross misdemeanor. However, if the crime results in the bodily injury of the criminal justice agent or his or her spouse or minor child, it is a class C felony with a seriousness level of IV.

Appropriation: None.

Fiscal Note: Requested on February 13, 2019.

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