

**SENATE BILL REPORT**

**SB 5388**

**AS OF JANUARY 30, 1991**

**Brief Description:** Requiring full disclosure of civil court proceedings relating to public hazards.

**SPONSORS:** Senators A. Smith, Talmadge, Madsen, L. Kreidler and Rasmussen.

**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Jack Brummel (786-7428)

**Hearing Dates:** January 31, 1991

**BACKGROUND:**

During civil litigation, the court has the power to issue protective orders preventing the dissemination of certain information either to the other party or to the public. Such orders commonly protect trade secrets, research, and other commercial information. Parties may also enter into settlement agreements restricting release of such information or information about the cause of injury to an aggrieved party. These practices, including the practice of sealing court records, have been criticized in certain instances as being used to avoid public debate about safety or health hazards, and denying information to individuals attempting to make informed decisions about the risks associated with particular goods, practices or procedures.

**SUMMARY:**

Courts may not issue protective orders or judgments with the purpose or effect of concealing a public hazard or information about a public hazard, or information useful in protection from public hazards. Agreements with the same purpose or effect are void and unenforceable.

A public hazard is an instrumentality that has caused or may reasonably cause injury to more than one individual.

Orders, judgments, and agreements allowing the concealment of public hazards may be contested in court.

The state's trade secrets act is amended. Courts' authority to preserve secrecy is subject to the prohibitions against concealment of public hazards.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested