
ENGROSSED SUBSTITUTE HOUSE BILL 1160

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives R. Johnson, Ballasiotes, Padden, Long, Fuhrman, Campbell, Kremen, Brough, Jones, Quall, Pruitt, Rayburn, Sheahan, Horn, Brumsickle, Van Luven, Talcott, Lisk, Edmondson, Mielke, King, Miller, Wood, Foreman, Sehlin and Silver)

Read first time 02/19/93.

1 AN ACT Relating to crime victims; amending RCW 7.69.020, 7.69.030,
2 7.69A.020, 7.69A.030, 43.280.010, 43.280.020, 43.280.030, 43.280.050,
3 and 43.280.060; reenacting and amending RCW 42.17.310; adding new
4 sections to chapter 43.280 RCW; and adding a new section to chapter
5 41.06 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 7.69.020 and 1985 c 443 s 2 are each amended to read
8 as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Crime" means an act punishable as a felony, gross misdemeanor,
12 or misdemeanor under the laws of this state or equivalent federal or
13 local law.

14 (2) "Survivor" or "survivors" of a victim of crime means a spouse,
15 child, parent, legal guardian, sibling, or grandparent. If there is
16 more than one survivor of a victim of crime, one survivor shall be
17 designated by the prosecutor to represent all survivors for purposes of
18 providing the notice to survivors required by this chapter.

1 (3) "Victim" means a person against whom a crime has been committed
2 or the representative of a person against whom a crime has been
3 committed.

4 (4) "Victim impact statement" means a statement submitted to the
5 court by the victim or a survivor, individually or with the assistance
6 of the prosecuting attorney if assistance is requested by the victim or
7 survivor, which may include but is not limited to information assessing
8 the financial, medical, social, and psychological impact of the offense
9 upon the victim or survivors.

10 (5) "Witness" means a person who has been or is expected to be
11 summoned to testify for the prosecution in a criminal action, or who by
12 reason of having relevant information is subject to call or likely to
13 be called as a witness for the prosecution, whether or not an action or
14 proceeding has been commenced.

15 (6) "Crime victim/witness program" means any crime victim and
16 witness program of a county or local law enforcement agency or
17 prosecutor's office, any rape crisis center's sexual assault victim
18 advocacy program as provided in chapter 70.125 RCW, any domestic
19 violence program's legal and community advocate program for domestic
20 violence victims as provided in chapter 70.123 RCW, or any other crime
21 victim advocacy program which provides trained advocates to assist
22 crime victims during the investigation and prosecution of the crime.

23 **Sec. 2.** RCW 7.69.030 and 1985 c 443 s 3 are each amended to read
24 as follows:

25 There shall be a reasonable effort made to ensure that victims,
26 survivors of victims, and witnesses of crimes have the following
27 rights:

28 (1) With respect to victims of violent or sex crimes, to receive,
29 at the time of reporting the crime to law enforcement officials, a
30 written statement of the rights of crime victims as provided in this
31 chapter. The written statement shall include the name, address, and
32 telephone number of a county or local crime victim/witness program, if
33 such a crime victim/witness program exists in the county;

34 (2) To be informed by local law enforcement agencies or the
35 prosecuting attorney of the final disposition of the case in which the
36 victim, survivor, or witness is involved;

37 ~~((+2))~~ (3) To be notified by the party who issued the subpoena
38 that a court proceeding to which they have been subpoenaed will not

1 occur as scheduled, in order to save the person an unnecessary trip to
2 court;

3 ~~((+3))~~ (4) To receive protection from harm and threats of harm
4 arising out of cooperation with law enforcement and prosecution
5 efforts, and to be provided with information as to the level of
6 protection available;

7 ~~((+4))~~ (5) To be informed of the procedure to be followed to apply
8 for and receive any witness fees to which they are entitled;

9 ~~((+5))~~ (6) To be provided, whenever practical, a secure waiting
10 area during court proceedings that does not require them to be in close
11 proximity to defendants and families or friends of defendants;

12 ~~((+6))~~ (7) To have any stolen or other personal property
13 expeditiously returned by law enforcement agencies or the superior
14 court when no longer needed as evidence. When feasible, all such
15 property, except weapons, currency, contraband, property subject to
16 evidentiary analysis, and property of which ownership is disputed,
17 shall be photographed and returned to the owner within ten days of
18 being taken;

19 ~~((+7))~~ (8) To be provided with appropriate employer intercession
20 services to ensure that employers of victims, survivors of victims, and
21 witnesses of crime will cooperate with the criminal justice process in
22 order to minimize an employee's loss of pay and other benefits
23 resulting from court appearance;

24 ~~((+8))~~ (9) To access to immediate medical assistance and not to be
25 detained for an unreasonable length of time by a law enforcement agency
26 before having such assistance administered. However, an employee of
27 the law enforcement agency may, if necessary, accompany the person to
28 a medical facility to question the person about the criminal incident
29 if the questioning does not hinder the administration of medical
30 assistance;

31 ~~((+9))~~ (10) With respect to victims of violent and sex crimes, to
32 have a crime victim advocate from a crime victim/witness program
33 present at any prosecutorial or defense interviews with the victim.
34 This subsection applies if practical and if the presence of the crime
35 victim advocate does not cause any unnecessary delay in the
36 investigation or prosecution of the case. The role of the crime victim
37 advocate is to provide emotional support to the crime victim;

38 (11) With respect to victims and survivors of victims, to be
39 physically present in court during trial, or if subpoenaed to testify,

1 to be scheduled as early as practical in the proceedings in order to be
2 physically present during trial after testifying and not to be excluded
3 solely because they have testified;

4 ~~((10))~~ (12) With respect to victims and survivors of victims, to
5 be informed by the prosecuting attorney of the date, time, and place of
6 the trial and of the sentencing hearing for felony convictions upon
7 request by a victim or survivor;

8 ~~((11))~~ (13) To submit a victim impact statement or report to the
9 court, with the assistance of the prosecuting attorney if requested,
10 which shall be included in all presentence reports and permanently
11 included in the files and records accompanying the offender committed
12 to the custody of a state agency or institution;

13 ~~((12))~~ (14) With respect to victims and survivors of victims, to
14 present a statement personally or by representation, at the sentencing
15 hearing for felony convictions; and

16 ~~((13))~~ (15) With respect to victims and survivors of victims, to
17 entry of an order of restitution by the court in all felony cases, even
18 when the offender is sentenced to confinement, unless extraordinary
19 circumstances exist which make restitution inappropriate in the court's
20 judgment.

21 **Sec. 3.** RCW 7.69A.020 and 1992 c 188 s 2 are each amended to read
22 as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout this chapter.

25 (1) "Crime" means an act punishable as a felony, gross misdemeanor,
26 or misdemeanor under the laws of this state or equivalent federal or
27 local law.

28 (2) "Child" means any living child under the age of eighteen years.

29 (3) "Victim" means a living person against whom a crime has been
30 committed.

31 (4) "Witness" means a person who has been or is expected to be
32 summoned to testify for the prosecution in a criminal action, or who by
33 reason of having relevant information is subject to call or likely to
34 be called as a witness for the prosecution, whether or not an action or
35 proceeding has been commenced.

36 (5) "Family member" means child, parent, or legal guardian.

1 (6) "Advocate" means any person, including a family member not
2 accused of a crime, who provides support to a child victim or child
3 witness during any legal proceeding.

4 (7) "Court proceedings" means any court proceeding conducted during
5 the course of the prosecution of a crime committed against a child
6 victim, including pretrial hearings, trial, sentencing, or appellate
7 proceedings.

8 (8) "Identifying information" means the child's name, address,
9 location, and photograph, and in cases in which the child is a relative
10 or stepchild of the alleged perpetrator, identification of the
11 relationship between the child and the alleged perpetrator.

12 (9) "Crime victim/witness program" means any crime victim and
13 witness program of a county or local law enforcement agency or
14 prosecutor's office, any rape crisis center's sexual assault victim
15 advocacy program as provided in chapter 70.125 RCW, any domestic
16 violence program's legal and community advocate program for domestic
17 violence victims as provided in chapter 70.123 RCW, or any other crime
18 victim advocacy program which provides trained advocates to assist
19 crime victims during the investigation and prosecution of the crime.

20 **Sec. 4.** RCW 7.69A.030 and 1985 c 394 s 3 are each amended to read
21 as follows:

22 In addition to the rights of victims and witnesses provided for in
23 RCW 7.69.030, there shall be every reasonable effort made by law
24 enforcement agencies, prosecutors, and judges to assure that child
25 victims and witnesses are afforded the rights enumerated in this
26 section. The enumeration of rights shall not be construed to create
27 substantive rights and duties, and the application of an enumerated
28 right in an individual case is subject to the discretion of the law
29 enforcement agency, prosecutor, or judge. Child victims and witnesses
30 have the following rights:

31 (1) To have explained in language easily understood by the child,
32 all legal proceedings and/or police investigations in which the child
33 may be involved.

34 (2) With respect to child victims of sex or violent crimes or child
35 abuse, to have a crime victim advocate from a crime victim/witness
36 program present at any prosecutorial or defense interviews with the
37 child victim. This subsection applies if practical and if the presence
38 of the crime victim advocate does not cause any unnecessary delay in

1 the investigation or prosecution of the case. The role of the crime
2 victim advocate is to provide emotional support to the child victim and
3 to promote the child's feelings of security and safety.

4 (3) To be provided, whenever possible, a secure waiting area during
5 court proceedings and to have an advocate or support person remain with
6 the child prior to and during any court proceedings.

7 ((+3)) (4) To not have the names, addresses, nor photographs of
8 the living child victim or witness disclosed by any law enforcement
9 agency, prosecutor's office, or state agency without the permission of
10 the child victim, child witness, parents, or legal guardians to anyone
11 except another law enforcement agency, prosecutor, defense counsel, or
12 private or governmental agency that provides services to the child
13 victim or witness.

14 ((+4)) (5) To allow an advocate to make recommendations to the
15 prosecuting attorney about the ability of the child to cooperate with
16 prosecution and the potential effect of the proceedings on the child.

17 ((+5)) (6) To allow an advocate to provide information to the
18 court concerning the child's ability to understand the nature of the
19 proceedings.

20 ((+6)) (7) To be provided information or appropriate referrals to
21 social service agencies to assist the child and/or the child's family
22 with the emotional impact of the crime, the subsequent investigation,
23 and judicial proceedings in which the child is involved.

24 ((+7)) (8) To allow an advocate to be present in court while the
25 child testifies in order to provide emotional support to the child.

26 ((+8)) (9) To provide information to the court as to the need for
27 the presence of other supportive persons at the court proceedings while
28 the child testifies in order to promote the child's feelings of
29 security and safety.

30 ((+9)) (10) To allow law enforcement agencies the opportunity to
31 enlist the assistance of other professional personnel such as child
32 protection services, victim advocates or prosecutorial staff trained in
33 the interviewing of the child victim.

34 (11) With respect to child victims of violent or sex crimes or
35 child abuse, to receive either directly or through the child's parent
36 or guardian if appropriate, at the time of reporting the crime to law
37 enforcement officials, a written statement of the rights of child
38 victims as provided in this chapter. The written statement shall
39 include the name, address, and telephone number of a county or local

1 crime victim/witness program, if such a crime victim/witness program
2 exists in the county.

3 **Sec. 5.** RCW 43.280.010 and 1990 c 3 s 1201 are each amended to
4 read as follows:

5 The legislature recognizes the need to increase ~~((the))~~ services
6 available to ~~((the))~~ victims of ~~((sex-offenders))~~ crime. The
7 legislature also recognizes that these services are most effectively
8 planned and provided at the local level through the combined efforts of
9 concerned community and citizens groups, treatment providers, and local
10 government officials. The legislature further recognizes that adequate
11 treatment for victims is not only a matter of justice for the victim,
12 but also a method by which additional ~~((abuse))~~ crime can be prevented.

13 The legislature intends to enhance the community-based
14 ~~((treatment))~~ services available to ~~((the))~~ victims of ~~((sex~~
15 ~~offenders))~~ crime by:

16 (1) Establishing the office of crime victims' advocacy to provide
17 a focus within state government on the rights of, and services for,
18 victims of crime;

19 (2) Providing funding support for local ~~((treatment))~~ programs
20 ~~((which))~~ that provide services to victims of ((sex-offenders)) crime;

21 ~~((+2))~~ (3) Providing technical assistance and support to help
22 communities plan for and provide ~~((treatment))~~ services to crime
23 victims; and

24 ~~((+3))~~ (4) Providing communities and local ~~((treatment))~~ service
25 providers with opportunities to share information about successful
26 prevention and treatment programs.

27 NEW SECTION. **Sec. 6.** An office of crime victims' advocacy is
28 established within the department of community development. The
29 purpose of the office is to provide a focus within state government on
30 the rights of, and services for, victims of crime.

31 The office of crime victims' advocacy shall:

32 (1) Advocate for programs and policies that strengthen victim
33 rights and improve the quality and accessibility of services for
34 victims;

35 (2) Serve as an ombuds to assist victims in obtaining needed
36 services, and to investigate situations in which victims believe their
37 rights have been violated;

1 (3) Serve as a clearinghouse of information regarding services,
2 statutes, and research related to crime victims;

3 (4) Work with crime victim service organizations to provide
4 leadership in the development of public policy relative to crime victim
5 issues;

6 (5) Facilitate the development of standards for the provision of
7 services to crime victims upon the request of providers of such
8 services and affected regulatory agencies;

9 (6) Facilitate the planning and provision of training for providers
10 of crime victim services including, but not limited to, personnel in
11 social service, criminal justice, medical, and education systems;

12 (7) Administer grant funds that are made available to enhance the
13 capacity of communities to serve victims of crime and to prevent
14 victimization; and

15 (8) Provide technical assistance to state and community
16 organizations to help them serve victims of crime.

17 NEW SECTION. **Sec. 7.** The crime victims' ombuds is created within
18 the office of crime victims' advocacy.

19 (1) The crime victims' ombuds may investigate complaints concerning
20 possible violation of the rights of crime victims or witnesses provided
21 for by law, the delivery of services to crime victims, claims for crime
22 victims compensation under chapter 7.68 RCW, and other complaints of
23 mistreatment by elements of the criminal justice system or victim
24 service providers. Clients or other affected individuals who have
25 complaints regarding a policy or procedure, or the application of a
26 policy or procedure, of the department of social and health services,
27 shall be referred to the complaint resolution process established under
28 RCW 74.13.045 if the complaint is related to programs administered
29 under chapter 74.13 RCW. The ombuds shall act as a liaison, if
30 requested, between agencies in the criminal justice system or victim
31 service providers, and victims and witnesses. The ombuds shall be
32 available through the use of a toll-free telephone number and shall
33 answer questions concerning the criminal justice system and victim
34 services from victims and witnesses in accordance with the ombuds'
35 knowledge of the facts or law, unless the information is otherwise
36 restricted.

37 (2) The crime victim ombuds has those powers necessary to carry out
38 the duties set out in subsection (1) of this section, including:

1 (a) The ombuds may investigate any action of an element of the
2 criminal justice system or a victim assistance program.

3 (b) The ombuds may request and be given access to all information
4 pertaining to a complaint, including any records pertaining to
5 juveniles and juvenile offenders. Records obtained under this chapter
6 shall not be released to any person by the office of crime victims'
7 advocacy.

8 (c) After completing investigation of a complaint, the ombuds may
9 inform in writing the complainant, the investigated person or entity,
10 and other appropriate authorities of the action taken.

11 (3)(a) On finding a complaint valid after duly considering the
12 complaint and whatever material the ombuds deems pertinent, the ombuds
13 may recommend action to the appropriate authority.

14 (b) If the ombuds makes a recommendation to an appropriate
15 authority for action, the authority shall, within a reasonable time
16 period, inform the ombuds about the action taken or the reasons for not
17 complying with the recommendation.

18 (4) The crime victims' ombuds shall not serve as legal counsel to
19 any person in a civil or criminal proceeding.

20 (5) The executive administrator of the office of crime victims'
21 advocacy shall establish procedures to ensure the impartiality of all
22 ombuds actions including those that involve crime victim programs
23 funded by the department of community development.

24 NEW SECTION. **Sec. 8.** The executive administrator of the office of
25 crime victims' advocacy shall be appointed by and report to the
26 director of the department of community development.

27 NEW SECTION. **Sec. 9.** A new section is added to chapter 41.06 RCW
28 to read as follows:

29 In addition to the exemptions set forth in RCW 41.06.070, the
30 provisions of this chapter do not apply to the executive administrator
31 of the office of crime victims' advocacy.

32 **Sec. 10.** RCW 43.280.020 and 1990 c 3 s 1203 are each amended to
33 read as follows:

34 There is established in the department of community development a
35 grant program to enhance the funding for treating the victims of sex
36 offenders and prevention of sexual assault victimization. Activities

1 that can be funded through this grant program are limited to those
2 that:

3 (1) Provide effective treatment or prevention services to victims
4 of sex offenders;

5 (2) Increase access to and availability of treatment or prevention
6 services for victims of sex offenders, particularly if from underserved
7 populations; and

8 (3) Create or build on efforts by existing community programs,
9 coordinate those efforts, or develop cooperative efforts or other
10 initiatives to make the most effective use of resources to provide
11 treatment or prevention services to these victims.

12 Funding priority shall be given to those applicants that represent
13 well-established existing programs and applicants that represent new
14 programs that are being created in geographic areas where no programs
15 presently exist.

16 **Sec. 11.** RCW 43.280.030 and 1990 c 3 s 1204 are each amended to
17 read as follows:

18 Applications for funding under this chapter must:

19 (1) Present evidence demonstrating how the criteria in RCW
20 (~~43.280.010~~) 43.280.020 will be met and demonstrating the
21 effectiveness of the proposal.

22 (2) Contain evidence of active participation of the community and
23 its commitment to providing ((an)) effective treatment or prevention
24 services for victims of sex offenders through the participation of
25 local governments, tribal governments, human service and health
26 organizations, and treatment entities and through meaningful
27 involvement from others, including citizen groups, as applicable.

28 **Sec. 12.** RCW 43.280.050 and 1990 c 3 s 1206 are each amended to
29 read as follows:

30 At a minimum, grant applications must include the following:

31 (1) The geographic area from which the victims or persons at-risk
32 of becoming victims to be served are expected to come;

33 (2) A description of the extent and effect of the needs of these
34 victims and persons at-risk of becoming victims within the relevant
35 geographic area;

1 (3) An explanation of how the funds will be used, their
2 relationship to existing services available within the community, and
3 the need that they will fulfill;

4 (4) An explanation of what organizations were involved in the
5 development of the proposal; and

6 (5) An evaluation methodology.

7 **Sec. 13.** RCW 43.280.060 and 1990 c 3 s 1207 are each amended to
8 read as follows:

9 (1) Subject to funds appropriated by the legislature, the
10 department of community development shall make awards under the grant
11 program established by RCW 43.280.020.

12 (2) Awards shall be made competitively based on the purposes of and
13 criteria in this chapter.

14 (3) To aid the department of community development in making its
15 determination, the department shall form a peer review committee
16 comprised of the executive administrator or designee for the office of
17 crime victims' advocacy (~~((office))~~) and individuals who have experience
18 in (~~((the treatment of victims of predatory violent sex offenders))~~)
19 providing sexual assault treatment or prevention services. The peer
20 review committee shall advise the department on the extent to which
21 each eligible applicant meets the purposes and criteria of this
22 chapter. The department shall consider this advice in making awards.

23 (4) Activities funded under this section may be considered for
24 funding in future years, but shall be considered under the same terms
25 and criteria as new activities. Funding under this chapter shall not
26 constitute an obligation by the state of Washington to provide ongoing
27 funding.

28 NEW SECTION. **Sec. 14.** Records maintained by the office of crime
29 victims' advocacy are not subject to discovery in any judicial
30 proceeding unless:

31 (1) A written motion is made to a court stating that discovery is
32 requested of such records;

33 (2) The written motion is accompanied by an affidavit or affidavits
34 setting forth specifically the reasons why discovery is requested of
35 office of crime victims' advocacy records;

36 (3) The court reviews the office of crime victims' advocacy records
37 in camera to determine whether the records are relevant and whether the

1 probative value of the records are outweighed by the victim's privacy
2 interest in the confidentiality of such records, taking into account
3 the further trauma that may be inflicted upon the victim by the
4 disclosure of the records; and

5 (4) The court enters an order stating whether the records or any
6 part of the records are discoverable and setting forth a basis for the
7 courts findings.

8 NEW SECTION. **Sec. 15.** No member of the office of crime victims'
9 advocacy may be compelled to testify in any court with respect to
10 matters involving the exercise of the ombuds functions of the office,
11 except for the purpose of establishing the validity of records that may
12 be entered into evidence pursuant to section 14 of this act.

13 **Sec. 16.** RCW 42.17.310 and 1992 c 139 s 5 and 1992 c 71 s 12 are
14 each reenacted and amended to read as follows:

15 (1) The following are exempt from public inspection and copying:

16 (a) Personal information in any files maintained for students in
17 public schools, patients or clients of public institutions or public
18 health agencies, or welfare recipients.

19 (b) Personal information in files maintained for employees,
20 appointees, or elected officials of any public agency to the extent
21 that disclosure would violate their right to privacy.

22 (c) Information required of any taxpayer in connection with the
23 assessment or collection of any tax if the disclosure of the
24 information to other persons would (i) be prohibited to such persons by
25 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
26 in unfair competitive disadvantage to the taxpayer.

27 (d) Specific intelligence information and specific investigative
28 records compiled by investigative, law enforcement, and penology
29 agencies, and state agencies vested with the responsibility to
30 discipline members of any profession, the nondisclosure of which is
31 essential to effective law enforcement or for the protection of any
32 person's right to privacy.

33 (e) Information revealing the identity of persons who are witnesses
34 to or victims of crime or who file complaints with investigative, law
35 enforcement, or penology agencies, other than the public disclosure
36 commission, if disclosure would endanger any person's life, physical
37 safety, or property. If at the time a complaint is filed the

1 complainant, victim or witness indicates a desire for disclosure or
2 nondisclosure, such desire shall govern. However, all complaints filed
3 with the public disclosure commission about any elected official or
4 candidate for public office must be made in writing and signed by the
5 complainant under oath.

6 (f) Test questions, scoring keys, and other examination data used
7 to administer a license, employment, or academic examination.

8 (g) Except as provided by chapter 8.26 RCW, the contents of real
9 estate appraisals, made for or by any agency relative to the
10 acquisition or sale of property, until the project or prospective sale
11 is abandoned or until such time as all of the property has been
12 acquired or the property to which the sale appraisal relates is sold,
13 but in no event shall disclosure be denied for more than three years
14 after the appraisal.

15 (h) Valuable formulae, designs, drawings, and research data
16 obtained by any agency within five years of the request for disclosure
17 when disclosure would produce private gain and public loss.

18 (i) Preliminary drafts, notes, recommendations, and intra-agency
19 memorandums in which opinions are expressed or policies formulated or
20 recommended except that a specific record shall not be exempt when
21 publicly cited by an agency in connection with any agency action.

22 (j) Records which are relevant to a controversy to which an agency
23 is a party but which records would not be available to another party
24 under the rules of pretrial discovery for causes pending in the
25 superior courts.

26 (k) Records, maps, or other information identifying the location of
27 archaeological sites in order to avoid the looting or depredation of
28 such sites.

29 (l) Any library record, the primary purpose of which is to maintain
30 control of library materials, or to gain access to information, which
31 discloses or could be used to disclose the identity of a library user.

32 (m) Financial information supplied by or on behalf of a person,
33 firm, or corporation for the purpose of qualifying to submit a bid or
34 proposal for ~~((a))~~ (i) a ferry system construction or repair contract
35 as required by RCW 47.60.680 through 47.60.750 or ~~((b))~~ (ii) highway
36 construction or improvement as required by RCW 47.28.070.

37 (n) Railroad company contracts filed prior to July 28, 1991, with
38 the utilities and transportation commission under RCW 81.34.070, except

1 that the summaries of the contracts are open to public inspection and
2 copying as otherwise provided by this chapter.

3 (o) Financial and commercial information and records supplied by
4 private persons pertaining to export services provided pursuant to
5 chapter 43.163 RCW and chapter 53.31 RCW.

6 (p) Financial disclosures filed by private vocational schools under
7 chapter 28C.10 RCW.

8 (q) Records filed with the utilities and transportation commission
9 or attorney general under RCW 80.04.095 that a court has determined are
10 confidential under RCW 80.04.095.

11 (r) Financial and commercial information and records supplied by
12 businesses during application for loans or program services provided by
13 chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

14 (s) Membership lists or lists of members or owners of interests of
15 units in timeshare projects, subdivisions, camping resorts,
16 condominiums, land developments, or common-interest communities
17 affiliated with such projects, regulated by the department of
18 licensing, in the files or possession of the department.

19 (t) All applications for public employment, including the names of
20 applicants, resumes, and other related materials submitted with respect
21 to an applicant.

22 (u) The residential addresses and residential telephone numbers of
23 employees or volunteers of a public agency which are held by the agency
24 in personnel records, employment or volunteer rosters, or mailing lists
25 of employees or volunteers.

26 (v) The residential addresses and residential telephone numbers of
27 the customers of a public utility contained in the records or lists
28 held by the public utility of which they are customers.

29 (w) Information obtained by the board of pharmacy as provided in
30 RCW 69.45.090.

31 (x) Information obtained by the board of pharmacy or the department
32 of health and its representatives as provided in RCW 69.41.044,
33 69.41.280, and 18.64.420.

34 (y) Financial information, business plans, examination reports, and
35 any information produced or obtained in evaluating or examining a
36 business and industrial development corporation organized or seeking
37 certification under chapter 31.24 RCW.

38 (z) Financial and commercial information supplied to the state
39 investment board by any person when the information relates to the

1 investment of public trust or retirement funds and when disclosure
2 would result in loss to such funds or in private loss to the providers
3 of this information.

4 (aa) Financial and valuable trade information under RCW 51.36.120.

5 (bb) Client records maintained by an agency that is a domestic
6 violence program as defined in RCW 70.123.020 or a rape crisis center
7 as defined in RCW 70.125.030.

8 (cc) Information that identifies a person who, while an agency
9 employee: (i) Seeks advice, under an informal process established by
10 the employing agency, in order to ascertain his or her rights in
11 connection with a possible unfair practice under chapter 49.60 RCW
12 against the person; and (ii) requests his or her identity or any
13 identifying information not be disclosed.

14 (dd) Business related information protected from public inspection
15 and copying under RCW 15.86.110.

16 (ee) Records maintained by the office of crime victims' advocacy
17 related to the ombuds functions of the office that disclose or could be
18 used to disclose the identity of a crime victim or complainant.

19 (2) Except for information described in subsection (1)(c)(i) of
20 this section and confidential income data exempted from public
21 inspection pursuant to RCW 84.40.020, the exemptions of this section
22 are inapplicable to the extent that information, the disclosure of
23 which would violate personal privacy or vital governmental interests,
24 can be deleted from the specific records sought. No exemption may be
25 construed to permit the nondisclosure of statistical information not
26 descriptive of any readily identifiable person or persons.

27 (3) Inspection or copying of any specific records exempt under the
28 provisions of this section may be permitted if the superior court in
29 the county in which the record is maintained finds, after a hearing
30 with notice thereof to every person in interest and the agency, that
31 the exemption of such records is clearly unnecessary to protect any
32 individual's right of privacy or any vital governmental function.

33 (4) Agency responses refusing, in whole or in part, inspection of
34 any public record shall include a statement of the specific exemption
35 authorizing the withholding of the record (or part) and a brief
36 explanation of how the exemption applies to the record withheld.

1 NEW SECTION. **Sec. 17.** Sections 6 through 8, 14, and 15 of this
2 act are each added to chapter 43.280 RCW.

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