
HOUSE BILL 1181

State of Washington

61st Legislature

2009 Regular Session

By Representatives Ross, Liiias, Johnson, Ericks, VanDeWege, Hurst, O'Brien, Hunt, Parker, Kessler, Simpson, Hinkle, and Kelley; by request of Attorney General

Read first time 01/14/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to access to public records by persons serving
2 criminal sentences in correctional facilities; and adding a new section
3 to chapter 42.56 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.56 RCW
6 to read as follows:

7 (1) The inspection or copying of any nonexempt public record by
8 persons serving criminal sentences in state, local, or privately
9 operated correctional facilities may be enjoined if, upon motion by an
10 agency or its representative or a person named in the record or to whom
11 the request specifically pertains, the superior court for the county in
12 which the movant resides or in which the record is maintained, finds
13 that the request was made to harass or intimidate the agency, its
14 employees, or any person, or that disclosure of the record would likely
15 undermine a legitimate penological interest, including the secure and
16 orderly operation of correctional facilities, the safety or security of
17 staff, inmates, or others, or the deterrence of criminal activity.

18 (2) In deciding whether to enjoin a request under subsection (1) of
19 this section, the court may consider all relevant factors, including,

1 but not limited to: Other requests by the requestor; the type of
2 record or records sought; statements offered by the requestor
3 concerning the purpose for the request; whether disclosure of the
4 requested records would likely harm any person or vital government
5 interest; whether the request seeks a significant and burdensome number
6 of documents; and the impact of disclosure on correctional facility
7 security and order, the safety or security of correctional facility
8 staff, inmates, or others, and the deterrence of criminal activity.

9 (3) The motion proceeding described in this section shall be a
10 summary proceeding based on affidavits or declarations, unless the
11 court orders otherwise. The court may enjoin all or any part of the
12 request or requests, and may enjoin future requests by the same
13 requestor, or by another person or entity on behalf of the requestor,
14 for such period as the court deems reasonable. An agency shall not be
15 liable for penalties under RCW 42.56.550(4) for any period during which
16 an order under this section is in effect, including during an appeal of
17 an order under this section, regardless of the outcome of the appeal.

--- END ---