
State Government Committee

HB 2795

Brief Description: Protecting drug and alcohol tests by the state toxicologist.

Sponsors: Representatives Miloscia, McMorris and Lisk; by request of Washington State Patrol.

Brief Summary of Bill

- Exempts from public inspection and copying state toxicology laboratory records of drug and alcohol tests performed on deceased individuals in death investigation cases and living suspects in DUI cases.

Hearing Date: 2/7/02

Staff: Kimberly Berry (786-7291).

Background:

State agencies are required to make all public records available for public inspection and copying unless the record is specifically exempted. Examples of these exemptions include personal information contained in files of public school students, test questions used to administer a license, and certain investigative records.

Exempted records can be released if the information that would violate personal privacy or vital governmental interests can be deleted from the specific records sought. Additionally, statistical information not descriptive of any readily identifiable person or persons must be disclosed. Inspection or copying of exempt records is permitted if the exemption of the records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function. When an agency refuses to release a record, the agency must cite the specific exemption authorizing the withholding of the record.

Summary of Bill:

An exemption from public inspection and copying is added. Records maintained by the state toxicology laboratory relating to results of drug and alcohol testing performed on deceased individuals in death investigation cases and living suspects in DUI cases cannot be released for public inspection and copying.

Rulemaking Authority: No express authority.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.