

# SENATE BILL REPORT

## SB 6294

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As of January 14, 2008

**Title:** An act relating to public records.

**Brief Description:** Modifying compensation for denials of public records by agencies.

**Sponsors:** Senators Hargrove, Regala and Carrell; by request of Attorney General.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/15/08.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Jennifer Strus (786-7316)

**Background:** A public agency may deny a person's request to inspect or copy a public record if disclosure of the record is statutorily exempted or prohibited. The person may petition the court to determine whether the agency was correct in its denial. If the court determines that the agency was not correct, the person requesting the record must be awarded all costs, including reasonable attorney fees, incurred in bringing the court action. The court may also award the petitioner a penalty award of not less than five dollars and not more than 100 dollars for each day the petitioner was denied the right to inspect or copy the public record requested.

**Summary of Bill:** Any person incarcerated, detained in or committed to any state, local, or federal correctional facility, secure facility as defined in RCW 71.09, or any private facility contracting with any governmental entity, who is wrongfully denied access to a public record must be awarded all costs, including reasonable attorney fees but is not entitled to a penalty award for each day the person was denied access to the record. Instead the penalty award must be awarded to the crime victims' compensation program.

**Appropriation:** None.

**Fiscal Note:** Requested on January 13, 2008.

**Committee/Commission/Task Force Created:** No.

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

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