

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1899**

62nd Legislature  
2011 Regular Session

Passed by the House March 1, 2011  
Yeas 96 Nays 2

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**Speaker of the House of Representatives**

Passed by the Senate April 21, 2011  
Yeas 47 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1899** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1899**

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Passed Legislature - 2011 Regular Session

**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** House State Government & Tribal Affairs (originally sponsored by Representatives Miloscia, Overstreet, Hurst, Taylor, Hunt, Armstrong, McCoy, and Condotta)

READ FIRST TIME 02/17/11.

1            AN ACT Relating to penalties for public records violations;  
2 reenacting and amending RCW 42.56.550; and prescribing penalties.

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

4            **Sec. 1.** RCW 42.56.550 and 2005 c 483 s 5 and 2005 c 274 s 288 are  
5 each reenacted and amended to read as follows:

6            (1) Upon the motion of any person having been denied an opportunity  
7 to inspect or copy a public record by an agency, the superior court in  
8 the county in which a record is maintained may require the responsible  
9 agency to show cause why it has refused to allow inspection or copying  
10 of a specific public record or class of records. The burden of proof  
11 shall be on the agency to establish that refusal to permit public  
12 inspection and copying is in accordance with a statute that exempts or  
13 prohibits disclosure in whole or in part of specific information or  
14 records.

15            (2) Upon the motion of any person who believes that an agency has  
16 not made a reasonable estimate of the time that the agency requires to  
17 respond to a public record request, the superior court in the county in  
18 which a record is maintained may require the responsible agency to show

1 that the estimate it provided is reasonable. The burden of proof shall  
2 be on the agency to show that the estimate it provided is reasonable.

3 (3) Judicial review of all agency actions taken or challenged under  
4 RCW 42.56.030 through 42.56.520 shall be de novo. Courts shall take  
5 into account the policy of this chapter that free and open examination  
6 of public records is in the public interest, even though such  
7 examination may cause inconvenience or embarrassment to public  
8 officials or others. Courts may examine any record in camera in any  
9 proceeding brought under this section. The court may conduct a hearing  
10 based solely on affidavits.

11 (4) Any person who prevails against an agency in any action in the  
12 courts seeking the right to inspect or copy any public record or the  
13 right to receive a response to a public record request within a  
14 reasonable amount of time shall be awarded all costs, including  
15 reasonable attorney fees, incurred in connection with such legal  
16 action. In addition, it shall be within the discretion of the court to  
17 award such person an amount (~~not less than five dollars and~~) not to  
18 exceed one hundred dollars for each day that he or she was denied the  
19 right to inspect or copy said public record.

20 (5) For actions under this section against counties, the venue  
21 provisions of RCW 36.01.050 apply.

22 (6) Actions under this section must be filed within one year of the  
23 agency's claim of exemption or the last production of a record on a  
24 partial or installment basis.

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