

Bill No. SB 1108

Amendment No. 3

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Criminal Justice recommended the following amendment:

Senate Amendment

On page 3, line 4, through page 5, line 13, delete those lines

and insert:

Section 3. Investigations of alleged misconduct by public officials often carry with them high interest by the press and media. The Legislature recognizes that often such an investigation requires the compilation of public records documents from other public entities. Frequently, criminal investigative agencies holding such records receive requests under the public records law for copies of all such records. The disclosure allows confidential aspects of an ongoing criminal investigation to be discerned by the person making the public records request. As a result, the complainant's name is often publicized and the complainant can easily become victim to recrimination from the subject of the complaint. Perceptions of such victimization create a strong disincentive

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1 to report public misconduct. Also, dealing with such requests
2 diverts criminal investigators from their investigation, since
3 they have to assist in preparing the investigative agency's
4 response to the public records request. The Legislature
5 believes that records in the possession of an originating
6 agency should always remain public records. Public records or
7 copies of public records that have been compiled by a criminal
8 investigative agency as part of an ongoing investigation
9 should be exempt from public disclosure in order to promote
10 more effective investigative efforts by helping to ensure that
11 elements of the investigation are not made public while the
12 investigation is pending and by assuring that investigators
13 can continue working on the investigation instead of taking
14 time to respond to numerous public records requests. As a
15 public policy, this state should encourage persons to report
16 any allegations of criminal activity by public servants and
17 should foster an atmosphere in which those considering whether
18 to come forward with their concerns are assured that their
19 identities will remain confidential if needed. The Legislature
20 intends that potential complainants be placed on notice that
21 their identities will remain confidential as a means of
22 encouraging reports of wrongdoing. The Legislature intends to
23 exempt information revealing the identity of a confidential
24 informant from public disclosure. The Legislature recognizes
25 that such persons already may be considered confidential
26 informants under the existing law, but believes specifically
27 that listing the persons will serve to assure potential
28 complainants that they are, in fact, confidential informants.

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