

Committee on Children, Families, and Elder Affairs

CS/CS/HB 397 — Public Records/Victim of Alleged Sexual Harassment/Identifying Information

by Government Accountability Committee; Oversight, Transparency and Administration Subcommittee; and Rep. Raschein and others (CS/CS/SB 492 by Governmental Oversight and Accountability Committee; Children, Families, and Elder Affairs Committee; and Senator Young)

CS/CS HB 397 creates a public records exemption for identifying information contained in state agency investigations of employee sexual harassment. It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. The bill provides legislative findings that protecting personal identifying information of alleged victims is a public necessity because disclosure of such information could place them at risk of further harassment and retaliation and that the disclosure of identifying information could discourage alleged victims from reporting instances of alleged harassment.

The exemption is subject to the Open Government Sunset Review Act and unless reviewed and saved from repeal through reenactment by the Legislature, shall be repealed on October 2, 2022.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 114-0