

2 **SHB 2195** - S COMM AMD

3 By Committee on Human Services & Corrections

4 ADOPTED 2/28/96

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 9.73.095 and 1989 c 271 s 210 are each amended to  
8 read as follows:

9 (1) RCW 9.73.030 through 9.73.080 shall not apply to employees of  
10 the department of corrections in the following instances:  
11 Intercepting, recording, or divulging any telephone calls from an  
12 inmate or resident of a state correctional facility; or intercepting,  
13 recording, or divulging any monitored nontelephonic conversations in  
14 inmate living units, cells, rooms, dormitories, and common spaces where  
15 inmates may be present. For the purposes of this section, "state  
16 correctional facility" means a facility that is under the control and  
17 authority of the department of corrections, and used for the  
18 incarceration, treatment, or rehabilitation of convicted felons.

19 (2) All personal calls made by inmates shall be collect calls only.  
20 The calls will be "operator announcement" type calls. The operator  
21 shall notify the receiver of the call that the call is coming from a  
22 prison inmate, and that it will be recorded and may be monitored.

23 (3) The department of corrections shall adhere to the following  
24 procedures and restrictions when intercepting, recording, or divulging  
25 any telephone calls from an inmate or resident of a state correctional  
26 facility as provided for by this section. The department shall also  
27 adhere to the following procedures and restrictions when intercepting,  
28 recording, or divulging any monitored nontelephonic conversations in  
29 inmate living units, cells, rooms, dormitories, and common spaces where  
30 inmates may be present:

31 ~~(a) ((Before the implementation of this section, all inmates or~~  
32 ~~residents of a state correctional facility shall be notified in writing~~  
33 ~~that, as of May 7, 1989, their telephone conversations may be~~  
34 ~~intercepted, recorded, and/or divulged.~~

35 ~~(b))~~ Unless otherwise provided for in this section, after  
36 intercepting or recording ~~((a telephone))~~ any conversation, only the

1 superintendent and his or her designee shall have access to that  
2 recording.

3 ~~((e))~~ (b) The contents of ~~((an))~~ any intercepted and recorded  
4 ~~((telephone))~~ conversation shall be divulged only as is necessary to  
5 safeguard the orderly operation of the correctional facility, in  
6 response to a court order, or in the prosecution or investigation of  
7 any crime.

8 ~~((d))~~ (c) All ~~((telephone))~~ conversations that are recorded under  
9 this section, unless being used in the ongoing investigation or  
10 prosecution of a crime, or as is necessary to assure the orderly  
11 operation of the correctional facility, shall be destroyed one year  
12 after the intercepting and recording.

13 (4) So as to safeguard the sanctity of the attorney-client  
14 privilege, the department of corrections shall not intercept, record,  
15 or divulge any conversation between an inmate or resident and an  
16 attorney. The department shall develop policies and procedures to  
17 implement this section. The department's policies and procedures  
18 implemented under this section shall also recognize the privileged  
19 nature of confessions made by an offender to a member of the clergy or  
20 a priest in his or her professional character, in the course of  
21 discipline enjoined by the church to which he or she belongs as  
22 provided in RCW 5.60.060(3).

23 (5) The department shall notify in writing all inmates, residents,  
24 and personnel of state correctional facilities that their nontelephonic  
25 conversations may be intercepted, recorded, or divulged in accordance  
26 with the provisions of this section.

27 (6) The department shall notify all visitors to state correctional  
28 facilities who may enter inmate living units, cells, rooms,  
29 dormitories, or common spaces where inmates may be present, that their  
30 conversations may intercepted, recorded, or divulged in accordance with  
31 the provisions of this section. The notice required under this  
32 subsection shall be accomplished through a means no less conspicuous  
33 than a general posting in a location likely to be seen by visitors  
34 entering the facility.

35 NEW SECTION. Sec. 2. The department shall provide the  
36 notification required under RCW 9.73.095(5) to all current inmates,  
37 residents, and personnel no later than May 1, 1996. Posting of the

1 notification to visitors required under RCW 9.73.095(6) shall be in  
2 place no later than July 1, 1996.

3 NEW SECTION. **Sec. 3.** RCW 9.73.145 and 1989 c 31 s 1 are each  
4 repealed.

5 NEW SECTION. **Sec. 4.** (1) Sections 1 and 3 of this act shall take  
6 effect August 1, 1996.

7 (2) Section 2 of this act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and shall take  
10 effect immediately."

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14 On page 1, line 2 of the title, after "conversations;" strike the  
15 remainder of the title and insert "amending RCW 9.73.095; creating a  
16 new section; repealing RCW 9.73.145; providing an effective date; and  
17 declaring an emergency."

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