

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2195

54th Legislature
1996 Regular Session

Passed by the House March 2, 1996
Yeas 89 Nays 1

**Speaker of the
House of Representatives**

Passed by the Senate February 28, 1996
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2195** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2195

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Blanton, Quall, Sheldon and Costa; by request of Department of Corrections)

Read first time 01/19/96.

1 AN ACT Relating to intercepting, recording, or divulging monitored
2 inmate conversations; amending RCW 9.73.095; creating a new section;
3 repealing RCW 9.73.145; providing an effective date; and declaring an
4 emergency.

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

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

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

18 (2) All personal calls made by inmates shall be collect calls only.
19 The calls will be "operator announcement" type calls. The operator

1 shall notify the receiver of the call that the call is coming from a
2 prison inmate, and that it will be recorded and may be monitored.

3 (3) The department of corrections shall adhere to the following
4 procedures and restrictions when intercepting, recording, or divulging
5 any telephone calls from an inmate or resident of a state correctional
6 facility as provided for by this section. The department shall also
7 adhere to the following procedures and restrictions when intercepting,
8 recording, or divulging any monitored nontelephonic conversations in
9 inmate living units, cells, rooms, dormitories, and common spaces where
10 inmates may be present:

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

15 ~~((b))~~) Unless otherwise provided for in this section, after
16 intercepting or recording ~~((a telephone))~~ any conversation, only the
17 superintendent and his or her designee shall have access to that
18 recording.

19 ~~((c))~~ (b) The contents of ~~((an))~~ any intercepted and recorded
20 ~~((telephone))~~ conversation shall be divulged only as is necessary to
21 safeguard the orderly operation of the correctional facility, in
22 response to a court order, or in the prosecution or investigation of
23 any crime.

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

29 (4) So as to safeguard the sanctity of the attorney-client
30 privilege, the department of corrections shall not intercept, record,
31 or divulge any conversation between an inmate or resident and an
32 attorney. The department shall develop policies and procedures to
33 implement this section. The department's policies and procedures
34 implemented under this section shall also recognize the privileged
35 nature of confessions made by an offender to a member of the clergy or
36 a priest in his or her professional character, in the course of
37 discipline enjoined by the church to which he or she belongs as
38 provided in RCW 5.60.060(3).

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

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

13 NEW SECTION. Sec. 2. The department shall provide the
14 notification required under RCW 9.73.095(5) to all current inmates,
15 residents, and personnel no later than May 1, 1996. Posting of the
16 notification to visitors required under RCW 9.73.095(6) shall be in
17 place no later than July 1, 1996.

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

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

22 (2) Section 2 of this act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and shall take
25 effect immediately.

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