

1072-S

Sponsor(s): House Committee on Law & Justice (originally sponsored by Representatives Sterk, Sheahan, Hickel and Delvin)

Brief Title: Regulating interception of communications.

HB 1072-S - DIGEST

(DIGEST AS ENACTED)

Provides that no person may install or use a pen register or trap and trace device without a prior court order except as provided under RCW 9.73.070, or in cases where a law enforcement officer and a prosecuting attorney determine a risk of death or serious injury may be imminent.

Requires, within forty-eight hours after the installation has occurred, or begins to occur, an order approving the installation or use.

Requires that, in the absence of an authorizing order, such use shall immediately terminate when the information sought is obtained, when the application for the order is denied or when forty-eight hours have lapsed since the installation of the pen register or trap and trace device, whichever is earlier.

Declares that, if an order approving the installation or use is not obtained within forty-eight hours, any information obtained is not admissible as evidence in any legal proceeding.

Authorizes the use of a pen register or a trap and trace device for a period not to exceed sixty days if a court order is obtained.

Provides that if this act mandates an increased level of service by local governments, the local government may, under RCW 43.135.060 and chapter 4.92 RCW, submit claims for reimbursement by the legislature. The claims shall be subject to verification by the office of financial management.