

5320

Sponsor(s): Senators McCaslin, Haugen and Hargrove

Brief Title: Regulating interception of communications.

SB 5320 - DIGEST

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.

Provides that the knowing installation or use by any law enforcement officer of a pen register or trap and trace device pursuant to this subsection without application for the authorizing order within forty-eight hours of the installation shall constitute a violation of chapter 9.73 RCW and be punishable as a gross misdemeanor.