

HOUSE BILL REPORT

HB 2903

As Reported By House Committee On:
Judiciary

Title: An act relating to law enforcement sound recordings.

Brief Description: Authorizing sound recordings without prior consent made in conjunction with video recordings from cameras mounted in law enforcement vehicles.

Sponsors: Representatives Delvin, Lovick, B. Chandler, Grant, Hankins, Lisk, Buck, Ballasiotes, O'Brien, Hurst, Talcott and Fortunato.

Brief History:

Committee Activity:

Judiciary: 2/3/00 [DPS].

Brief Summary of Substitute Bill

- Authorizes sound recordings, without the consent of all parties, if made in conjunction with video recordings from cameras mounted in law enforcement vehicles.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Edie Adams (786-7180).

Background:

The state's Privacy Act generally prohibits the interception or recording of any private communication or conversation without the consent of all parties to the communication or conversation. There are several exceptions to this general

prohibition, including exceptions allowing one-party consent in a variety of cases, and conditions under which a court may authorize the interception or recording.

In addition, there are many exceptions from the Privacy Act's provisions, including certain common carrier services; 911 services; police, fire, emergency medical service and poison centers when recording incoming calls; the Department of Corrections recording of inmate conversations; and video and sound recordings of arrested persons by police officers responsible for making arrests.

Communications or conversations that are intercepted or recorded without the consent of all parties are generally not admissible in court, except in limited circumstances.

Summary of Amended Bill:

The Privacy Act's provisions prohibiting the interception or recording of a private communication or conversation without the consent of all parties do not apply to sound recordings that correspond to video images recorded by video cameras mounted in law enforcement vehicles. Such recordings are not inadmissible in court under the Privacy Act.

Substitute Bill Compared to Original Bill: The original bill required the sound recordings to be made in conjunction with the video image, as opposed to corresponding to the video image.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Currently when an officer makes a traffic stop, the video recorder in the police car may only take video images of the encounter. This bill will allow a sound recording also to be made in this situation. The intent of this bill is not to invade privacy--it doesn't authorize recordings in homes, in businesses, or of phone conversations. People pulled over for a traffic stop have a lower expectation of privacy than situations involving wiretaps. Allowing sound recordings in this context will help ensure officer safety, provide an important evidentiary tool, and create a checks and balances system for officer conduct.

Testimony Against: None.

Testified: Representative Delvin, prime sponsor; Tim Schellberg, Washington Association of Sheriffs and Police Chiefs; Sheriff Larry Taylor, Benton County; and Captain Eric Robertson, Washington State Patrol.