

SENATE BILL REPORT

SHB 2903

As Reported By Senate Committee On:
Judiciary, February 25, 2000

Title: An act relating to law enforcement sound recordings.

Brief Description: Authorizing sound recordings without prior consent that correspond to video recordings from cameras mounted in law enforcement vehicles.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Delvin, Lovick, B. Chandler, Grant, Hankins, Lisk, Buck, Ballasiotes, O'Brien, Hurst, Talcott and Fortunato).

Brief History:

Committee Activity: Judiciary: 2/23/2000, 2/25/2000 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Johnson, Long and McCaslin.

Staff: Aldo Melchiori (786-7439)

Background: Generally, it is unlawful to intercept or record private communications or conversations without the consent of all parties to the communication. Upon application, the court may authorize the interception and recording of these communications and conversations under specified circumstances.

There are also many exceptions to the Privacy Act provisions including 911 services, police, fire, emergency medical service, and poison centers recording incoming calls, and video and sound recordings of arrested persons made by police offices responsible for making arrests or holding persons in custody before their first court appearance.

Any information obtained in violation of the Privacy Act is inadmissible in any civil or criminal case unless the person gives permission or in cases of national security.

Summary of Amended Bill: The privacy act provisions do not apply to sound recordings made in conjunction with video images recorded by video cameras mounted in clear view in marked state or local law enforcement vehicles. These sound recordings may not be divulged by law enforcement agencies for any commercial purpose.

Amended Bill Compared to Substitute Bill: The recordings must be made from marked vehicles and divulging sound recordings for commercial purposes is not allowed.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Video without the sound is presently admissible. The camera is an unbiased witness. The bill is narrowly tailored to include only those recordings made from police vehicles. The bill will result in greater officer safety and better evidence gathering, especially in drunk driving cases.

Testimony Against: None.

Testified: PRO: Representative Delvin; Larry Taylor, Benton County Sheriff; Eric Robertson, Washington State Patrol; Mike Edwards, Seattle and King County Police Guilds.