

SENATE BILL REPORT

SB 6272

As Passed Senate, February 11, 2000

Title: An act relating to divulging private communication.

Brief Description: Modifying laws that regulate private communications or conversations.

Sponsors: Senators Franklin, McCaslin, Heavey, Long, Sheahan, Goings, Hargrove and Snyder.

Brief History:

Committee Activity: Judiciary: 1/28/2000, 2/4/2000 [DP].
Passed Senate, 2/11/2000, 43-1.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

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

Staff: Karen Lundahl (786-7421)

Background: Prior to 1977, there was statutory liability, both civil and criminal, under Washington law for divulging the contents of a private conversation or communication transmitted by telephone, telegraph, radio or other device without consent of all parties. In 1977, after a Washington Supreme Court decision which held that information from a defendant's illegally recorded telephone call to the police could not be admitted in a murder prosecution, the Legislature removed the word divulge- from the law.

Since then there have been a number of statutory changes which have expanded the authority of police and other emergency response personnel to record and disclose the contents of telephone and other communications. The prohibition against disclosure by those outside law enforcement of the contents of an illegally intercepted or recorded conversation has not been restored, making it impossible to proceed criminally or civilly against those who disseminate the contents of an illegally recorded or intercepted private communication as long as they did not do the recording or intercepting themselves.

Federal law currently makes it illegal to disclose the contents of a private communication which has been illegally recorded or intercepted.

Summary of Bill: It is unlawful to divulge the contents of any private conversation or communication without the consent of all the participants in the communication if the person disclosing the contents knows or has reason to know that the communication was illegally intercepted or recorded.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is needed to protect privacy of all citizens. Washington is the only state where it is now legal to disseminate or disclose illegally recorded or intercepted private conversations.

Testimony Against: None.

Testified: Sean Wickens (pro).