
SENATE BILL 6272

State of Washington

56th Legislature

2000 Regular Session

By Senators Franklin, McCaslin, Heavey, Long, Sheahan, Goings, Hargrove and Snyder

Read first time . Referred to Committee on .

1 AN ACT Relating to divulging private communication; and reenacting
2 and amending RCW 9.73.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.73.030 and 1986 c 38 s 1 and 1985 c 260 s 2 are each
5 reenacted and amended to read as follows:

6 (1) Except as otherwise provided in this chapter, it shall be
7 unlawful for any individual, partnership, corporation, association, or
8 the state of Washington, its agencies, and political subdivisions to
9 intercept, or record any:

10 (a) Private communication transmitted by telephone, telegraph,
11 radio, or other device between two or more individuals between points
12 within or without the state by any device electronic or otherwise
13 designed to record and/or transmit said communication regardless how
14 such device is powered or actuated, without first obtaining the consent
15 of all the participants in the communication;

16 (b) Private conversation, by any device electronic or otherwise
17 designed to record or transmit such conversation regardless how the
18 device is powered or actuated without first obtaining the consent of
19 all the persons engaged in the conversation.

1 (2) Except as otherwise provided in this chapter, it is unlawful
2 for any individual, partnership, corporation, association, or the state
3 of Washington, including its agencies and political subdivisions, to
4 divulge the contents of any private communication or private
5 conversation:

6 (a) Knowing or having reason to know that the private communication
7 or conversation was intercepted or recorded in violation of subsection
8 (1) of this section; and

9 (b) Without first obtaining the consent of all the participants in
10 the communication.

11 (3) Notwithstanding subsection (1) of this section, wire
12 communications or conversations (a) of an emergency nature, such as the
13 reporting of a fire, medical emergency, crime, or disaster, or (b)
14 which convey threats of extortion, blackmail, bodily harm, or other
15 unlawful requests or demands, or (c) which occur anonymously or
16 repeatedly or at an extremely inconvenient hour, or (d) which relate to
17 communications by a hostage holder or barricaded person as defined in
18 RCW 70.85.100, whether or not conversation ensues, may be recorded with
19 the consent of one party to the conversation.

20 (~~(3)~~) (4) Where consent by all parties is needed pursuant to this
21 chapter, consent shall be considered obtained whenever one party has
22 announced to all other parties engaged in the communication or
23 conversation, in any reasonably effective manner, that such
24 communication or conversation is about to be recorded or transmitted:
25 PROVIDED, That if the conversation is to be recorded that said
26 announcement shall also be recorded.

27 (~~(4)~~) (5) An employee of any regularly published newspaper,
28 magazine, wire service, radio station, or television station acting in
29 the course of bona fide news gathering duties on a full-time or
30 contractual or part-time basis, shall be deemed to have consent to
31 record and divulge communications or conversations otherwise prohibited
32 by this chapter if the consent is expressly given or if the recording
33 or transmitting device is readily apparent or obvious to the speakers.
34 Withdrawal of the consent after the communication has been made shall
35 not prohibit any such employee of a newspaper, magazine, wire service,
36 or radio or television station from divulging the communication or
37 conversation.

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