

2416-S

Sponsor(s): House Committee on Select Committee on Community Security (originally sponsored by Representatives Hurst, Lisk, O'Brien, Ballasiotes, Buck, Kirby, Lovick and Haigh)

Brief Description: Authorizing additional investigative tools to deter terrorism.

**HB 2416-S - DIGEST**

(AS OF HOUSE 2ND READING 2/16/02)

Declares an intent to prevent terrorist attacks, and thereby save the lives of Washington residents by providing appropriate investigative tools that facilitate and promote cooperation between local, state, and federal law enforcement agencies, that remove barriers to cooperation in terrorism investigations, and that continue to protect the privacy rights of residents of the state.

Provides that the attorney general or any deputy or assistant attorney general specifically designated by the attorney general, or a prosecuting attorney or any deputy or assistant prosecuting attorney specifically designated by a prosecuting attorney, may authorize an application to a superior court for, and the court may grant, in conformity with this act, an order authorizing the interception, by a law enforcement agency having responsibility for the investigation of the offense as to which the application is made, of wire, oral, or electronic communications if the interception may provide evidence of an act of terrorism.

Provides that as part of a bona fide criminal investigation, the chief law enforcement officer of a law enforcement agency or his or her designee above the rank of first line supervisor may authorize the interception, transmission, or recording of a conversation or communication by officers under the following circumstances: (1) At least one party to the conversation or communication has consented to the interception, transmission, or recording;

(2) Probable cause exists to believe that the conversation or communication involves an act of terrorism; and

(3) A written report has been completed as required by this act.

Provides that any investigative or law enforcement officer who, by any means authorized by this act, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived from such contents, may disclose such contents or derivative evidence to another investigative or law enforcement officer, including an investigative or law enforcement officer of another state, to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

Declares that an "act of terrorism" means any of the following offenses, or conspiracy to commit any of the following offenses, as they are defined in Title 9A RCW: (1) Terrorism in the first degree;

(2) Terrorism in the second degree;

(3) Unlawful use or possession of a weapon of mass destruction; or

(4) Threatening acts of terrorism in the first degree.