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SENATE BILL 5470

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Brandland, Kastama, Esser, Schmidt and Rasmussen

Read first time 01/27/2003. Referred to Committee on Judiciary.

1            AN ACT Relating to investigation of potential acts of terrorism;  
2 adding a new section to chapter 9.73 RCW; and creating a new section.

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

4            NEW SECTION.    **Sec. 1.** It is the intent of the legislature to  
5 prevent terrorist attacks, and thereby save the lives of Washington  
6 residents by providing appropriate investigative tools that facilitate  
7 and promote cooperation between local, state, and federal law  
8 enforcement agencies, that remove barriers to cooperation in terrorism  
9 investigations, and that continue to protect the privacy rights of  
10 residents of the state. In balancing these goals, the legislature is  
11 creating an additional investigative tool to be used by law enforcement  
12 only if authorized by the courts.

13            NEW SECTION.    **Sec. 2.** A new section is added to chapter 9.73 RCW  
14 to read as follows:

15            (1) The attorney general or a prosecuting attorney may request that  
16 a superior court issue an order providing a law enforcement agency,  
17 responsible for investigating potential acts of terrorism, with

1 authority to intercept a wire, oral, or electronic communication. The  
2 superior court may enter the order if it finds that:

3 (a) There is probable cause for belief that a person is committing,  
4 has committed, or is about to commit an act of terrorism;

5 (b) There is probable cause for belief that a particular  
6 communication concerning the offense will be obtained through the  
7 interception;

8 (c) If the interception is to occur at a fixed location, there is  
9 probable cause for belief that the place where the wire or electronic  
10 communication is to be intercepted is being used or is about to be used  
11 in connection with the commission of the act of terrorism; and

12 (d) Normal investigative procedures have been tried and have failed  
13 or reasonably appear to be unlikely to succeed if tried or to be too  
14 dangerous.

15 (2) The interception cannot exceed thirty days. Upon termination  
16 of the interception, any recordings made in connection with the  
17 interception shall be presented to the court and sealed under the  
18 court's direction.

19 (3) Within ninety days of the termination of the interception,  
20 unless delayed for good cause, the court shall notify the person  
21 recorded of the order to intercept, and the date and time of the  
22 interception.

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