

# SENATE BILL REPORT

## SB 5081

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As Reported By Senate Committee On:  
Human Services & Corrections, February 14, 2005

**Title:** An act relating to monitoring of a child's telephone conversations by a parent or guardian.

**Brief Description:** Authorizing monitoring of a child's telephone conversations by a parent or guardian.

**Sponsors:** Senators Roach, Swecker, Oke, Deccio, Zarelli, Mulliken, Honeyford, Schmidt, Stevens, Benson, McCaslin and Benton.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/18/05, 2/14/05 [DPS].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5081 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and McAuliffe.

**Staff:** Kiki Keizer (786-7430)

**Background:** Washington law prohibits intercepting or recording a private conversation that is transmitted by telegraph, radio, or other device without the consent of all of the persons engaged in the conversation. The law allows certain conversations, such as reports of crimes or emergencies or certain calls involving threats, to be recorded with the consent of only one party, however.

Persons who violate the law that prohibits the interception and recording of private conversations may be subject to criminal penalties and to civil lawsuits for monetary damages.

There are few exceptions to the law. In the case of the exceptions, the law does not apply. Therefore, if one of the exceptions applies, no criminal or civil penalties could result from intercepted or recorded communications. The exceptions comprise telephone carriers and 911 or enhanced 911 emergency services.

**Summary of Substitute Bill:** Parents or guardians who are monitoring their minor children's communications or conversations are exempted from the statute protecting privacy, unless those parents or guardians are acting at the insistence of agents of law enforcement.

**Substitute Bill Compared to Original Bill:** Parents or guardians who are monitoring their minor children's communications or conversations are exempted from the statute protecting privacy, unless those parents or guardians are acting at the insistence of agents of law enforcement. The original bill allowed parents or guardians to intercept or to record their

minor children's telephone conversations, without criminal penalties, but it did not exempt parents or guardians from the statute protecting privacy.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** Parents have a responsibility to track influences in their children's lives so that they can provide guidance. Monitoring children's conversations is one way to find out if they risk getting involved with drugs or are engaging other destructive behavior. Whether or not it is a preferred parenting style, parents should be able to check on their children's phone conversations without committing a criminal act. Parents should be able to monitor and control what is going on in their own houses.

**Concerns:** The law should be written to exempt parents monitoring their children's telephone conversations from the statute prohibiting interception and recording of telephone calls, so long as those parents are not acting at the direction of law enforcement. The law should not stop at exempting parents from misdemeanor liability in these situations. Rather, the law should be changed so that it is not unlawful for parents to monitor their children's telephone conversations.

**Testimony Against:** None.

**Who Testified:** PRO: Rose Gunderson, citizen; Jennifer Shaw, ACLU of Washington.  
CONCERNS: Tom McBride, Washington Association of Prosecuting Attorneys.