
HOUSE BILL 1178

State of Washington

59th Legislature

2005 Regular Session

By Representatives McDonald, Dickerson, Rodne, Kagi, Priest, Ahern, Pearson, Campbell, McCune, Kristiansen, Moeller, Dunn, Nixon, Darneille, Shabro, Schual-Berke, Roach, Strow, O'Brien, Condotta and Holmquist

Read first time 01/18/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to ensuring the rights of parents to monitor the
2 communications and conversations of their minor children; amending RCW
3 9.73.020; reenacting and amending RCW 9.73.030; and adding new sections
4 to chapter 9.73 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.73 RCW
7 to read as follows:

8 The legislature finds that parents have the right and the
9 responsibility to take actions they believe are in the best interests
10 of promoting and ensuring the physical, mental, emotional, moral,
11 spiritual, and psychological well-being and safety of their children.
12 The legislature further finds that parents who are providing shelter or
13 care for their minor unemancipated children have the right and the
14 responsibility to monitor the communications and conversations of such
15 children to better assist in preventing them from being intimidated,
16 coerced, enticed, induced, lured, coaxed, tricked, persuaded, baited,
17 provoked, or otherwise drawn into delinquent or criminal behaviors, or
18 other behaviors the parents may oppose or have concerns about.

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

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

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

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

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

26 (3) Where consent by all parties is needed pursuant to this
27 chapter, consent shall be considered obtained whenever one party has
28 announced to all other parties engaged in the communication or
29 conversation, in any reasonably effective manner, that such
30 communication or conversation is about to be recorded or transmitted:
31 PROVIDED, That if the conversation is to be recorded that said
32 announcement shall also be recorded.

33 (4) An employee of any regularly published newspaper, magazine,
34 wire service, radio station, or television station acting in the course
35 of bona fide news gathering duties on a full-time or contractual or
36 part-time basis, shall be deemed to have consent to record and divulge
37 communications or conversations otherwise prohibited by this chapter if
38 the consent is expressly given or if the recording or transmitting

1 device is readily apparent or obvious to the speakers. Withdrawal of
2 the consent after the communication has been made shall not prohibit
3 any such employee of a newspaper, magazine, wire service, or radio or
4 television station from divulging the communication or conversation.

5 (5) Notwithstanding subsection (1) of this section, any
6 communication or conversation occurring within a residence, or
7 utilizing any communications device within the residence, in which an
8 unemancipated minor is a participant may be intercepted or recorded by
9 a resident parent of the minor. Any evidence obtained under this
10 subsection shall not be admissible in any civil or criminal case in all
11 courts of general or limited jurisdiction in this state if the
12 communication or conversation was intercepted or recorded at the
13 request or direction of a law enforcement officer without proper
14 authority of law.

15 **Sec. 3.** RCW 9.73.020 and 1909 c 249 s 411 are each amended to read
16 as follows:

17 (1) Every person who shall wilfully open or read, or cause to be
18 opened or read, any sealed message, letter or telegram intended for
19 another person, or publish the whole or any portion of such a message,
20 letter or telegram, knowing it to have been opened or read without
21 authority, shall be guilty of a misdemeanor.

22 (2) Notwithstanding subsection (1) of this section, any sealed
23 message, letter, or telegram delivered to a residence which is intended
24 for an unemancipated minor may be opened or read by a resident parent
25 of the minor. Any evidence obtained under this subsection shall not be
26 admissible in any civil or criminal case in all courts of general or
27 limited jurisdiction in this state if the sealed message, letter, or
28 telegram was opened or read at the request of a law enforcement officer
29 without proper authority of law.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.73 RCW
31 to read as follows:

32 For purposes of section 1 of this act, RCW 9.73.030, and 9.73.020,
33 "resident parent" means a custodial or noncustodial natural parent,
34 adoptive parent, stepparent, legal guardian, and other adult person
35 with the legal authority or duty to provide custody, control, shelter,
36 or care of or for an unemancipated minor, and who is an occupant of the

1 residence in which the communication or conversation occurs or the
2 communications device is utilized, or to which the sealed message,
3 letter, or telegram is delivered.

--- END ---