
SUBSTITUTE HOUSE BILL 1648

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives B. Sullivan, Appleton, Orcutt, Lovick, Campbell, Strow and Hinkle)

READ FIRST TIME 02/24/05.

1 AN ACT Relating to increasing the penalty for intercepting,
2 recording, or divulging private communications in executive sessions;
3 amending RCW 42.30.020; adding a new section to chapter 42.30 RCW;
4 prescribing penalties; providing an effective date; and declaring an
5 emergency.

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

7 **Sec. 1.** RCW 42.30.020 and 1985 c 366 s 1 are each amended to read
8 as follows:

9 As used in this chapter unless the context indicates otherwise:

10 (1) "Public agency" means:

11 (a) Any state board, commission, committee, department, educational
12 institution, or other state agency which is created by or pursuant to
13 statute, other than courts and the legislature;

14 (b) Any county, city, school district, special purpose district, or
15 other municipal corporation or political subdivision of the state of
16 Washington;

17 (c) Any subagency of a public agency which is created by or
18 pursuant to statute, ordinance, or other legislative act, including but

1 not limited to planning commissions, library or park boards,
2 commissions, and agencies;

3 (d) Any policy group whose membership includes representatives of
4 publicly owned utilities formed by or pursuant to the laws of this
5 state when meeting together as or on behalf of participants who have
6 contracted for the output of generating plants being planned or built
7 by an operating agency.

8 (2) "Governing body" means the multimember board, commission,
9 committee, council, or other policy or rule-making body of a public
10 agency, or any committee thereof when the committee acts on behalf of
11 the governing body, conducts hearings, or takes testimony or public
12 comment.

13 (3) "Action" means the transaction of the official business of a
14 public agency by a governing body including but not limited to receipt
15 of public testimony, deliberations, discussions, considerations,
16 reviews, evaluations, and final actions. "Final action" means a
17 collective positive or negative decision, or an actual vote by a
18 majority of the members of a governing body when sitting as a body or
19 entity, upon a motion, proposal, resolution, order, or ordinance.

20 (4) "Meeting" means meetings at which action is taken.

21 (5) "Executive session" means any nonpublic meeting of a governing
22 body held for one or more of the purposes enumerated in RCW 42.30.110.

23 NEW SECTION. Sec. 2. A new section is added to chapter 42.30 RCW
24 to read as follows:

25 (1) Except as otherwise provided in this chapter, it is unlawful
26 for any person to knowingly violate RCW 9.73.030 by intercepting or
27 recording communications or conversations:

28 (a) In an executive session held pursuant to chapter 42.30 RCW; and

29 (b) Without the clear consent of the governing body that has
30 convened the subject executive session.

31 (2) A person who violates this section is guilty of committing a
32 class C felony.

33 (3) Nothing in this section is deemed to prohibit a person from
34 exercising his or her right to record communications and conversations
35 that take place during an open and public meeting.

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 July 1, 2005.

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