
HOUSE BILL 1648

State of Washington

59th Legislature

2005 Regular Session

By Representatives B. Sullivan, Appleton, Orcutt, Lovick, Campbell, Strow and Hinkle

Read first time 02/01/2005. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to increasing the penalty for intercepting,
2 recording, or divulging private communications in executive sessions;
3 amending RCW 9.73.080; reenacting and amending RCW 9.94A.515;
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 9.73.080 and 2000 c 195 s 3 are each amended to read
8 as follows:

9 (1) Except as otherwise provided in this chapter(~~(7)~~):

10 (a) Any person who violates RCW 9.73.030 by intercepting or
11 recording communications or conversations in an executive session held
12 pursuant to chapter 42.30 RCW is guilty of a class C felony.

13 (b) Any person who violates RCW 9.73.030 in a manner other than
14 intercepting or recording communications or conversations in an
15 executive session held pursuant to chapter 42.30 RCW is guilty of a
16 gross misdemeanor.

17 (2) Any person who knowingly alters, erases, or wrongfully
18 discloses any recording in violation of RCW 9.73.090(1)(c) is guilty of
19 a gross misdemeanor.

1 Sexually Violent Predator Escape
2 (RCW 9A.76.115)
3 IX Assault of a Child 2 (RCW 9A.36.130)
4 Explosive devices prohibited (RCW
5 70.74.180)
6 Hit and Run--Death (RCW
7 46.52.020(4)(a))
8 Homicide by Watercraft, by being
9 under the influence of intoxicating
10 liquor or any drug (RCW
11 79A.60.050)
12 Inciting Criminal Profiteering (RCW
13 9A.82.060(1)(b))
14 Malicious placement of an explosive 2
15 (RCW 70.74.270(2))
16 Robbery 1 (RCW 9A.56.200)
17 Sexual Exploitation (RCW 9.68A.040)
18 Vehicular Homicide, by being under
19 the influence of intoxicating
20 liquor or any drug (RCW
21 46.61.520)
22 VIII Arson 1 (RCW 9A.48.020)
23 Homicide by Watercraft, by the
24 operation of any vessel in a
25 reckless manner (RCW
26 79A.60.050)
27 Manslaughter 2 (RCW 9A.32.070)
28 Promoting Prostitution 1 (RCW
29 9A.88.070)
30 Theft of Ammonia (RCW 69.55.010)
31 Vehicular Homicide, by the operation
32 of any vehicle in a reckless
33 manner (RCW 46.61.520)
34 VII Burglary 1 (RCW 9A.52.020)
35 Child Molestation 2 (RCW 9A.44.086)
36 Civil Disorder Training (RCW
37 9A.48.120)

1 Dealing in depictions of minor
2 engaged in sexually explicit
3 conduct (RCW 9.68A.050)
4 Drive-by Shooting (RCW 9A.36.045)
5 Homicide by Watercraft, by disregard
6 for the safety of others (RCW
7 79A.60.050)
8 Indecent Liberties (without forcible
9 compulsion) (RCW 9A.44.100(1)
10 (b) and (c))
11 Introducing Contraband 1 (RCW
12 9A.76.140)
13 Malicious placement of an explosive 3
14 (RCW 70.74.270(3))
15 Sending, bringing into state depictions
16 of minor engaged in sexually
17 explicit conduct (RCW
18 9.68A.060)
19 Unlawful Possession of a Firearm in
20 the first degree (RCW
21 9.41.040(1))
22 Use of a Machine Gun in Commission
23 of a Felony (RCW 9.41.225)
24 Vehicular Homicide, by disregard for
25 the safety of others (RCW
26 46.61.520)
27 VI Bail Jumping with Murder 1 (RCW
28 9A.76.170(3)(a))
29 Bribery (RCW 9A.68.010)
30 Incest 1 (RCW 9A.64.020(1))
31 Intimidating a Judge (RCW
32 9A.72.160)
33 Intimidating a Juror/Witness (RCW
34 9A.72.110, 9A.72.130)
35 Malicious placement of an imitation
36 device 2 (RCW 70.74.272(1)(b))
37 Rape of a Child 3 (RCW 9A.44.079)

1 Theft of a Firearm (RCW 9A.56.300)
2 Unlawful Storage of Ammonia (RCW
3 69.55.020)
4 V Abandonment of dependent person 1
5 (RCW 9A.42.060)
6 Advancing money or property for
7 extortionate extension of credit
8 (RCW 9A.82.030)
9 Bail Jumping with class A Felony
10 (RCW 9A.76.170(3)(b))
11 Child Molestation 3 (RCW 9A.44.089)
12 Criminal Mistreatment 1 (RCW
13 9A.42.020)
14 Custodial Sexual Misconduct 1 (RCW
15 9A.44.160)
16 Domestic Violence Court Order
17 Violation (RCW 10.99.040,
18 10.99.050, 26.09.300, 26.10.220,
19 26.26.138, 26.50.110, 26.52.070,
20 or 74.34.145)
21 Extortion 1 (RCW 9A.56.120)
22 Extortionate Extension of Credit
23 (RCW 9A.82.020)
24 Extortionate Means to Collect
25 Extensions of Credit (RCW
26 9A.82.040)
27 Incest 2 (RCW 9A.64.020(2))
28 Kidnapping 2 (RCW 9A.40.030)
29 Perjury 1 (RCW 9A.72.020)
30 Persistent prison misbehavior (RCW
31 9.94.070)
32 Possession of a Stolen Firearm (RCW
33 9A.56.310)
34 Rape 3 (RCW 9A.44.060)
35 Rendering Criminal Assistance 1
36 (RCW 9A.76.070)

1 Sexual Misconduct with a Minor 1
2 (RCW 9A.44.093)
3 Sexually Violating Human Remains
4 (RCW 9A.44.105)
5 Stalking (RCW 9A.46.110)
6 Taking Motor Vehicle Without
7 Permission 1 (RCW 9A.56.070)
8 IV Arson 2 (RCW 9A.48.030)
9 Assault 2 (RCW 9A.36.021)
10 Assault by Watercraft (RCW
11 79A.60.060)
12 Bribing a Witness/Bribe Received by
13 Witness (RCW 9A.72.090,
14 9A.72.100)
15 Cheating 1 (RCW 9A.46.1961)
16 Commercial Bribery (RCW
17 9A.68.060)
18 Counterfeiting (RCW 9.16.035(4))
19 Endangerment with a Controlled
20 Substance (RCW 9A.42.100)
21 Escape 1 (RCW 9A.76.110)
22 Hit and Run--Injury (RCW
23 46.52.020(4)(b))
24 Hit and Run with Vessel--Injury
25 Accident (RCW 79A.60.200(3))
26 Identity Theft 1 (RCW 9.35.020(2))
27 Indecent Exposure to Person Under
28 Age Fourteen (subsequent sex
29 offense) (RCW 9A.88.010)
30 Influencing Outcome of Sporting
31 Event (RCW 9A.82.070)
32 Malicious Harassment (RCW
33 9A.36.080)
34 Residential Burglary (RCW
35 9A.52.025)
36 Robbery 2 (RCW 9A.56.210)
37 Theft of Livestock 1 (RCW 9A.56.080)

1 Threats to Bomb (RCW 9.61.160)
2 Trafficking in Stolen Property 1 (RCW
3 9A.82.050)
4 Unlawful factoring of a credit card or
5 payment card transaction (RCW
6 9A.56.290(4)(b))
7 Unlawful transaction of health
8 coverage as a health care service
9 contractor (RCW 48.44.016(3))
10 Unlawful transaction of health
11 coverage as a health maintenance
12 organization (RCW 48.46.033(3))
13 Unlawful transaction of insurance
14 business (RCW 48.15.023(3))
15 Unlicensed practice as an insurance
16 professional (RCW 48.17.063(3))
17 Use of Proceeds of Criminal
18 Profiteering (RCW 9A.82.080 (1)
19 and (2))
20 Vehicular Assault, by being under the
21 influence of intoxicating liquor or
22 any drug, or by the operation or
23 driving of a vehicle in a reckless
24 manner (RCW 46.61.522)
25 Willful Failure to Return from
26 Furlough (RCW 72.66.060)
27 III Abandonment of dependent person 2
28 (RCW 9A.42.070)
29 Assault 3 (RCW 9A.36.031)
30 Assault of a Child 3 (RCW 9A.36.140)
31 Bail Jumping with class B or C Felony
32 (RCW 9A.76.170(3)(c))
33 Burglary 2 (RCW 9A.52.030)
34 Communication with a Minor for
35 Immoral Purposes (RCW
36 9.68A.090)

1 Criminal Gang Intimidation (RCW
2 9A.46.120)
3 Criminal Mistreatment 2 (RCW
4 9A.42.030)
5 Custodial Assault (RCW 9A.36.100)
6 Cyberstalking (subsequent conviction
7 or threat of death) (RCW
8 9.61.260(3))
9 Escape 2 (RCW 9A.76.120)
10 Extortion 2 (RCW 9A.56.130)
11 Harassment (RCW 9A.46.020)
12 Intimidating a Public Servant (RCW
13 9A.76.180)
14 Introducing Contraband 2 (RCW
15 9A.76.150)
16 Malicious Injury to Railroad Property
17 (RCW 81.60.070)
18 Patronizing a Juvenile Prostitute
19 (RCW 9.68A.100)
20 Perjury 2 (RCW 9A.72.030)
21 Possession of Incendiary Device (RCW
22 9.40.120)
23 Possession of Machine Gun or Short-
24 Barreled Shotgun or Rifle (RCW
25 9.41.190)
26 Promoting Prostitution 2 (RCW
27 9A.88.080)
28 Securities Act violation (RCW
29 21.20.400)
30 Tampering with a Witness (RCW
31 9A.72.120)
32 Telephone Harassment (subsequent
33 conviction or threat of death)
34 (RCW 9.61.230(2))
35 Theft of Livestock 2 (RCW 9A.56.083)
36 Trafficking in Stolen Property 2 (RCW
37 9A.82.055)

1 Unlawful Imprisonment (RCW
2 9A.40.040)
3 Unlawful possession of firearm in the
4 second degree (RCW 9.41.040(2))
5 Vehicular Assault, by the operation or
6 driving of a vehicle with disregard
7 for the safety of others (RCW
8 46.61.522)
9 Willful Failure to Return from Work
10 Release (RCW 72.65.070)
11 II Computer Trespass 1 (RCW
12 9A.52.110)
13 Counterfeiting (RCW 9.16.035(3))
14 Escape from Community Custody
15 (RCW 72.09.310)
16 Health Care False Claims (RCW
17 48.80.030)
18 Identity Theft 2 (RCW 9.35.020(3))
19 Improperly Obtaining Financial
20 Information (RCW 9.35.010)
21 Malicious Mischief 1 (RCW
22 9A.48.070)
23 Possession of Stolen Property 1 (RCW
24 9A.56.150)
25 Theft 1 (RCW 9A.56.030)
26 Theft of Rental, Leased, or Lease-
27 purchased Property (valued at one
28 thousand five hundred dollars or
29 more) (RCW 9A.56.096(5)(a))
30 Trafficking in Insurance Claims (RCW
31 48.30A.015)
32 Unlawful factoring of a credit card or
33 payment card transaction (RCW
34 9A.56.290(4)(a))
35 Unlawful Practice of Law (RCW
36 2.48.180)

1 Unlicensed Practice of a Profession or
2 Business (RCW 18.130.190(7))
3 I Attempting to Elude a Pursuing Police
4 Vehicle (RCW 46.61.024)
5 False Verification for Welfare (RCW
6 74.08.055)
7 Forgery (RCW 9A.60.020)
8 Fraudulent Creation or Revocation of a
9 Mental Health Advance Directive
10 (RCW 9A.60.060)
11 Intercepting or recording
12 communications or conversations
13 in an executive session (RCW
14 9.73.080(1)(a))
15 Malicious Mischief 2 (RCW
16 9A.48.080)
17 Mineral Trespass (RCW 78.44.330)
18 Possession of Stolen Property 2 (RCW
19 9A.56.160)
20 Reckless Burning 1 (RCW 9A.48.040)
21 Taking Motor Vehicle Without
22 Permission 2 (RCW 9A.56.075)
23 Theft 2 (RCW 9A.56.040)
24 Theft of Rental, Leased, or Lease-
25 purchased Property (valued at two
26 hundred fifty dollars or more but
27 less than one thousand five
28 hundred dollars) (RCW
29 9A.56.096(5)(b))
30 Transaction of insurance business
31 beyond the scope of licensure
32 (RCW 48.17.063(4))
33 Unlawful Issuance of Checks or Drafts
34 (RCW 9A.56.060)
35 Unlawful Possession of Fictitious
36 Identification (RCW 9A.56.320)

1 Unlawful Possession of Instruments of
2 Financial Fraud (RCW
3 9A.56.320)
4 Unlawful Possession of Payment
5 Instruments (RCW 9A.56.320)
6 Unlawful Possession of a Personal
7 Identification Device (RCW
8 9A.56.320)
9 Unlawful Production of Payment
10 Instruments (RCW 9A.56.320)
11 Unlawful Trafficking in Food Stamps
12 (RCW 9.91.142)
13 Unlawful Use of Food Stamps (RCW
14 9.91.144)
15 Vehicle Prowl 1 (RCW 9A.52.095)

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

--- END ---