

SENATE BILL REPORT

SB 6158

As Reported By Senate Committee On:
Human Services & Corrections, January 22, 1996

Title: An act relating to intercepting, recording, or divulging monitored inmate conversations.

Brief Description: Authorizing the department of corrections to intercept, record, and divulge electronically monitored inmate conversations.

Sponsors: Senators Hargrove, Long and Schow; by request of Department of Corrections.

Brief History:

Committee Activity: Human Services & Corrections: 1/11/96, 1/22/96 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6158 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Schow, Strannigan, Thibaudeau and Zarelli.

Staff: Andrea McNamara (786-7483)

Background: The Washington State Privacy Act prohibits, except under limited circumstances, the intercepting, recording, or divulging of any private conversation without first obtaining the consent of all parties to the communication.

The Department of Corrections is currently exempt from the act for the purpose of monitoring and recording telephone calls made by inmates within department facilities. The exemption is limited to telephonic conversations and does not currently authorize the department to monitor nontelephonic conversations.

Department personnel routinely monitor offenders in their cells in high security settings, such as segregation units, through audio intercom speakers. The department is requesting this bill to clarify its authority with regard to monitoring and recording nontelephonic conversations.

Summary of Substitute Bill: A new exemption to the state Privacy Act is created authorizing the Department of Corrections to electronically monitor nontelephonic conversations in the living areas and common spaces of department facilities without first obtaining offenders' consent.

The department must notify all staff and inmates in writing of this act by May 1, 1996, ninety days prior to the effective date of the policy on August 1, 1996.

The department must also notify visitors of the policy by July 1, 1996. Notice to visitors may be done through a conspicuous general posting.

Other technical clean up of redundant and obsolete language is made.

Substitute Bill Compared to Original Bill: The substitute bill clarifies that common spaces include only those common areas in a department facility where inmates may be present.

Notification requirements are expanded to include staff and visitors in addition to inmates.

The deadlines by which the notices must be made are specified, and the effective date is clarified.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill is necessary to clarify the department's legal authority to continue its existing practice of monitoring inmate conversations in certain locations within correctional facilities. The ability to monitor conversations in living areas and common spaces is an important tool for management of inmates and for the safety of inmates, staff, and visitors.

Testimony Against: None.

Testified: Eldon Vail, Assistant Director of the Division of Prisons, Department of Corrections, (pro); Eugene St. John, Washington Public Employees Association, (pro).