
HOUSE BILL 2195

State of Washington

54th Legislature

1996 Regular Session

By Representatives Blanton, Quall, Sheldon and Costa; by request of Department of Corrections

Read first time 01/08/96. Referred to Committee on Corrections.

1 AN ACT Relating to intercepting, recording, or divulging monitored
2 inmate conversations; and amending RCW 9.73.095.

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

4 **Sec. 1.** RCW 9.73.095 and 1989 c 271 s 210 are each amended to read
5 as follows:

6 (1) RCW 9.73.030 through 9.73.080 shall not apply to employees of
7 the department of corrections in the following instances:
8 Intercepting, recording, or divulging any telephone calls from an
9 inmate or resident of a state correctional facility; or intercepting,
10 recording, or divulging any monitored nontelephonic conversations in
11 inmate living units, cells, rooms, dormitories, and common space. For
12 the purposes of this section, "state correctional facility" means a
13 facility that is under the control and authority of the department of
14 corrections, and used for the incarceration, treatment, or
15 rehabilitation of convicted felons.

16 (2) All personal calls made by inmates shall be collect calls only.
17 The calls will be "operator announcement" type calls. The operator
18 shall notify the receiver of the call that the call is coming from a
19 prison inmate, and that it will be recorded and may be monitored.

1 (3) The department of corrections shall adhere to the following
2 procedures and restrictions when intercepting, recording, or divulging
3 any telephone calls from an inmate or resident of a state correctional
4 facility as provided for by this section. The department shall also
5 adhere to the following procedures and restrictions when intercepting,
6 recording, or divulging any monitored nontelephonic conversation in
7 inmate living units, cells, rooms, dormitories, and common space:

8 (a) Before the implementation of this section, all inmates or
9 residents of a state correctional facility shall be notified in writing
10 that, as of May 7, 1989, their telephone conversations may be
11 intercepted, recorded, and/or divulged.

12 (b) Unless otherwise provided for in this section, after
13 intercepting or recording ((a telephone)) any conversation, only the
14 superintendent and his or her designee shall have access to that
15 recording.

16 (c) The contents of ((an)) any intercepted and recorded
17 ((telephone)) conversation shall be divulged only as is necessary to
18 safeguard the orderly operation of the correctional facility, in
19 response to a court order, or in the prosecution or investigation of
20 any crime.

21 (d) All ((telephone)) conversations that are recorded under this
22 section, unless being used in the ongoing investigation or prosecution
23 of a crime, or as is necessary to assure the orderly operation of the
24 correctional facility, shall be destroyed one year after the
25 intercepting and recording.

26 (4) So as to safeguard the sanctity of the attorney-client
27 privilege, the department of corrections shall not intercept, record,
28 or divulge any conversation between an inmate or resident and an
29 attorney. The department shall develop policies and procedures to
30 implement this section.

31 (5) The department may not implement chapter . . . , Laws of 1996
32 (this act) until ninety days after all inmates or residents of a state
33 correctional facility have been notified in writing that their
34 nontelephonic conversations may be intercepted, recorded, and/or
35 divulged.

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