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**SUBSTITUTE SENATE BILL 5588**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senators C. Anderson, Smith, Long, Prince, Haugen and Schow)

Read first time 02/16/95.

1 AN ACT Relating to private communications; and reenacting and  
2 amending RCW 9.73.030.

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

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

6 (1) Except as otherwise provided in this chapter, it shall be  
7 unlawful for any individual, partnership, corporation, association, or  
8 the state of Washington, its agencies, and political subdivisions to  
9 intercept(~~(7)~~) or record any:

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

17 (b) Private conversation, by any device electronic or otherwise  
18 designed to intercept, record, or transmit such conversation regardless

1 how the device is powered or actuated without first obtaining the  
2 consent of all the persons engaged in the conversation.

3 (2) Notwithstanding subsection (1) of this section, wire or  
4 electronic communications or conversations (a) of an emergency nature,  
5 such as the reporting of a fire, medical emergency, crime, or disaster,  
6 or (b) which convey threats of extortion, blackmail, bodily harm, or  
7 other unlawful requests or demands, or (c) which occur anonymously or  
8 repeatedly or at an extremely inconvenient hour, or (d) which relate to  
9 communications by a hostage holder or barricaded person as defined in  
10 RCW 70.85.100, whether or not conversation ensues, may be recorded with  
11 the consent of one party to the conversation.

12 (3) Where consent by all parties is needed pursuant to this  
13 chapter, consent shall be considered obtained whenever one party has  
14 announced to all other parties engaged in the communication or  
15 conversation, in any reasonably effective manner, that such  
16 communication or conversation is about to be intercepted, recorded, or  
17 transmitted: PROVIDED, That if the conversation is to be recorded  
18 (~~that said~~), the announcement shall also be recorded.

19 (4) An employee of any regularly published newspaper, magazine,  
20 wire service, radio station, or television station acting in the course  
21 of bona fide news gathering duties on a full-time or contractual or  
22 part-time basis, shall be deemed to have consent to record and divulge  
23 communications or conversations otherwise prohibited by this chapter if  
24 the consent is expressly given or if the recording or transmitting  
25 device is readily apparent or obvious to the speakers. Withdrawal of  
26 the consent after the communication has been made shall not prohibit  
27 any such employee of a newspaper, magazine, wire service, or radio or  
28 television station from divulging the communication or conversation.

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