

# FINAL BILL REPORT

## SHB 2903

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Synopsis as Enacted

**Brief Description:** Authorizing sound recordings without prior consent that correspond to video recordings from cameras mounted in law enforcement vehicles.

**Sponsors:** By House Committee on Judiciary (originally sponsored by Representatives Delvin, Lovick, B. Chandler, Grant, Hankins, Lisk, Buck, Ballasiotes, O'Brien, Hurst, Talcott and Fortunato).

**House Committee on Judiciary**  
**Senate Committee on Judiciary**

### **Background:**

The state's Privacy Act generally prohibits the interception or recording of any private communication or conversation without the consent of all parties to the communication or conversation. There are several exceptions to this general prohibition, including exceptions allowing one-party consent in a variety of cases, and conditions under which a court may authorize the interception or recording.

In addition, there are many exceptions from the Privacy Act's provisions, including certain common carrier services; 911 services; police, fire, emergency medical service and poison centers when recording incoming calls; the Department of Corrections recording of inmate conversations; and video and sound recordings of arrested persons by police officers responsible for making arrests.

Communications or conversations that are intercepted or recorded without the consent of all parties are generally not admissible in court, except in limited circumstances.

### **Summary of Bill:**

The Privacy Act's provisions prohibiting the interception or recording of a private communication or conversation without the consent of all parties do not apply to sound recordings that correspond to video images recorded by video cameras mounted in law enforcement vehicles, as long as the following conditions are met:

- the officer wearing the recording device must be in uniform;
- the recording device may only be operated simultaneously with the video camera;
- the recording device may not be turned off by the officer during the operation of the video camera;

- any sound or video recording may not be duplicated and made available to the public until final disposition of criminal or civil litigation arising from the incident recorded;
- the sound recording may not be divulged or used by law enforcement for commercial purposes;
- the officer must inform the person being recorded that a sound recording is being made, unless the person is being recorded under exigent circumstances, and the statement informing the person must be included in the recording. The officer is not required to inform the person of a video recording.

Any person who knowingly alters, erases, or wrongfully discloses any recording in violation of the above restrictions is guilty of a gross misdemeanor. Sound recordings made under this provision are not inadmissible in court under the Privacy Act.

**Votes on Final Passage:**

House 97 0  
Senate 46 1 (Senate amended)  
House (House refused to concur)  
Senate 44 2 (Senate amended)  
House 96 2 (House concurred)

**Effective:** June 8, 2000