

SENATE BILL REPORT

SHB 2195

As Reported By Senate Committee On:
Human Services & Corrections, February 23, 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: House Committee on Corrections (originally sponsored by Representatives Blanton, Quall, Sheldon and Costa; by request of Department of Corrections).

Brief History:

Committee Activity: Human Services & Corrections: 2/14/96, 2/23/96 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Prentice, Schow, Smith, 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 Amended 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's policies and procedures must recognize the privileged nature of certain communications between offenders and priests or members of the clergy, as provided elsewhere in state law.

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

A technical clean-up of redundant and obsolete language is made.

Amended Bill Compared to Substitute Bill: The amendment adds the requirement that the department's policies and procedures must recognize the privileged nature of certain communications between offenders and their priests or clergy members.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Testimony For: The department supports this bill for the same reasons it presented at the public hearing on SB 6158 (held January 11, 1996). The department does not plan to impact staffing levels in any way as a result of this bill.

Testimony Against: The bill does not contain any recognition that certain communications with clergy are privileged. Confessions to priests or clergy should remain privileged even if electronic monitoring is authorized in some areas of the prisons.

Testified: Eldon Vail, Assistant Director, Division of Prisons, Department of Corrections (pro); Dan Comsia, Lutheran Public Policy Office (with concerns).