

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2195**

Chapter 197, Laws of 1996

54th Legislature  
1996 Regular Session

MONITORED INMATE RECORDINGS--INTERCEPTION, RECORDING,  
OR DIVULGING AUTHORIZED

EFFECTIVE DATE: 3/28/96 - Except sections 1 and 3 which become  
effective on 8/1/96.

Passed by the House March 2, 1996  
Yeas 89 Nays 1

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate February 28, 1996  
Yeas 48 Nays 0

JOEL PRITCHARD  
**President of the Senate**

Approved March 28, 1996

MIKE LOWRY  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of  
the House of Representatives of the  
State of Washington, do hereby certify  
that the attached is **SUBSTITUTE HOUSE  
BILL 2195** as passed by the House of  
Representatives and the Senate on the  
dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

March 28, 1996 - 4:10 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2195**

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AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

**State of Washington                      54th Legislature                      1996 Regular Session**

**By** House Committee on Corrections (originally sponsored by Representatives Blanton, Quall, Sheldon and Costa; by request of Department of Corrections)

Read first time 01/19/96.

1            AN ACT Relating to intercepting, recording, or divulging monitored  
2 inmate conversations; amending RCW 9.73.095; creating a new section;  
3 repealing RCW 9.73.145; providing an effective date; and declaring an  
4 emergency.

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

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

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

18            (2) All personal calls made by inmates shall be collect calls only.  
19 The calls will be "operator announcement" type calls. The operator

1 shall notify the receiver of the call that the call is coming from a  
2 prison inmate, and that it will be recorded and may be monitored.

3 (3) The department of corrections shall adhere to the following  
4 procedures and restrictions when intercepting, recording, or divulging  
5 any telephone calls from an inmate or resident of a state correctional  
6 facility as provided for by this section. The department shall also  
7 adhere to the following procedures and restrictions when intercepting,  
8 recording, or divulging any monitored nontelephonic conversations in  
9 inmate living units, cells, rooms, dormitories, and common spaces where  
10 inmates may be present:

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

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

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

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

29 (4) So as to safeguard the sanctity of the attorney-client  
30 privilege, the department of corrections shall not intercept, record,  
31 or divulge any conversation between an inmate or resident and an  
32 attorney. The department shall develop policies and procedures to  
33 implement this section. The department's policies and procedures  
34 implemented under this section shall also recognize the privileged  
35 nature of confessions made by an offender to a member of the clergy or  
36 a priest in his or her professional character, in the course of  
37 discipline enjoined by the church to which he or she belongs as  
38 provided in RCW 5.60.060(3).

1       (5) The department shall notify in writing all inmates, residents,  
2 and personnel of state correctional facilities that their nontelephonic  
3 conversations may be intercepted, recorded, or divulged in accordance  
4 with the provisions of this section.

5       (6) The department shall notify all visitors to state correctional  
6 facilities who may enter inmate living units, cells, rooms,  
7 dormitories, or common spaces where inmates may be present, that their  
8 conversations may intercepted, recorded, or divulged in accordance with  
9 the provisions of this section. The notice required under this  
10 subsection shall be accomplished through a means no less conspicuous  
11 than a general posting in a location likely to be seen by visitors  
12 entering the facility.

13       NEW SECTION. Sec. 2. The department shall provide the  
14 notification required under RCW 9.73.095(5) to all current inmates,  
15 residents, and personnel no later than May 1, 1996. Posting of the  
16 notification to visitors required under RCW 9.73.095(6) shall be in  
17 place no later than July 1, 1996.

18       NEW SECTION. Sec. 3. RCW 9.73.145 and 1989 c 31 s 1 are each  
19 repealed.

20       NEW SECTION. Sec. 4. (1) Sections 1 and 3 of this act shall take  
21 effect August 1, 1996.

22       (2) Section 2 of this act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of the  
24 state government and its existing public institutions, and shall take  
25 effect immediately.

Passed the House March 2, 1996.

Passed the Senate February 28, 1996.

Approved by the Governor March 28, 1996.

Filed in Office of Secretary of State March 28, 1996.