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HOUSE BILL 2651

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Sullivan, Anderson, Lovick, Jarrett, D. Simpson, Grant and Wallace

Read first time 01/19/2004. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to increasing the penalty for intercepting,  
2 recording, or divulging private communications in executive sessions;  
3 amending RCW 9.73.080; reenacting and amending RCW 9.94A.515;  
4 prescribing penalties; and providing an effective date.

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

6 **Sec. 1.** RCW 9.73.080 and 2000 c 195 s 3 are each amended to read  
7 as follows:

8 (1) Except as otherwise provided in this chapter((7)):

9 (a) Any person who violates RCW 9.73.030 by intercepting or  
10 recording communications or conversations in an executive session held  
11 pursuant to chapter 42.30 RCW is guilty of a class C felony.

12 (b) Any person who violates RCW 9.73.030 in a manner other than  
13 intercepting or recording communications or conversations in an  
14 executive session held pursuant to chapter 42.30 RCW is guilty of a  
15 gross misdemeanor.

16 (2) Any person who knowingly alters, erases, or wrongfully  
17 discloses any recording in violation of RCW 9.73.090(1)(c) is guilty of  
18 a gross misdemeanor.



1 Malicious explosion 3 (RCW  
2 70.74.280(3))  
3 Sexually Violent Predator Escape  
4 (RCW 9A.76.115)  
5 IX Assault of a Child 2 (RCW 9A.36.130)  
6 Explosive devices prohibited (RCW  
7 70.74.180)  
8 Hit and Run--Death (RCW  
9 46.52.020(4)(a))  
10 Homicide by Watercraft, by being  
11 under the influence of intoxicating  
12 liquor or any drug (RCW  
13 79A.60.050)  
14 Inciting Criminal Profiteering (RCW  
15 9A.82.060(1)(b))  
16 Malicious placement of an explosive 2  
17 (RCW 70.74.270(2))  
18 Robbery 1 (RCW 9A.56.200)  
19 Sexual Exploitation (RCW 9.68A.040)  
20 Vehicular Homicide, by being under  
21 the influence of intoxicating  
22 liquor or any drug (RCW  
23 46.61.520)  
24 VIII Arson 1 (RCW 9A.48.020)  
25 Homicide by Watercraft, by the  
26 operation of any vessel in a  
27 reckless manner (RCW  
28 79A.60.050)  
29 Manslaughter 2 (RCW 9A.32.070)  
30 Promoting Prostitution 1 (RCW  
31 9A.88.070)  
32 Theft of Ammonia (RCW 69.55.010)  
33 Vehicular Homicide, by the operation  
34 of any vehicle in a reckless  
35 manner (RCW 46.61.520)  
36 VII Burglary 1 (RCW 9A.52.020)  
37 Child Molestation 2 (RCW 9A.44.086)

1 Civil Disorder Training (RCW  
2 9A.48.120)  
3 Dealing in depictions of minor  
4 engaged in sexually explicit  
5 conduct (RCW 9.68A.050)  
6 Drive-by Shooting (RCW 9A.36.045)  
7 Homicide by Watercraft, by disregard  
8 for the safety of others (RCW  
9 79A.60.050)  
10 Indecent Liberties (without forcible  
11 compulsion) (RCW 9A.44.100(1)  
12 (b) and (c))  
13 Introducing Contraband 1 (RCW  
14 9A.76.140)  
15 Malicious placement of an explosive 3  
16 (RCW 70.74.270(3))  
17 Sending, bringing into state depictions  
18 of minor engaged in sexually  
19 explicit conduct (RCW  
20 9.68A.060)  
21 Unlawful Possession of a Firearm in  
22 the first degree (RCW  
23 9.41.040(1))  
24 Use of a Machine Gun in Commission  
25 of a Felony (RCW 9.41.225)  
26 Vehicular Homicide, by disregard for  
27 the safety of others (RCW  
28 46.61.520)  
29 VI Bail Jumping with Murder 1 (RCW  
30 9A.76.170(3)(a))  
31 Bribery (RCW 9A.68.010)  
32 Incest 1 (RCW 9A.64.020(1))  
33 Intimidating a Judge (RCW  
34 9A.72.160)  
35 Intimidating a Juror/Witness (RCW  
36 9A.72.110, 9A.72.130)

1 Malicious placement of an imitation  
2 device 2 (RCW 70.74.272(1)(b))  
3 Rape of a Child 3 (RCW 9A.44.079)  
4 Theft of a Firearm (RCW 9A.56.300)  
5 Unlawful Storage of Ammonia (RCW  
6 69.55.020)  
7 V Abandonment of dependent person 1  
8 (RCW 9A.42.060)  
9 Advancing money or property for  
10 extortionate extension of credit  
11 (RCW 9A.82.030)  
12 Bail Jumping with class A Felony  
13 (RCW 9A.76.170(3)(b))  
14 Child Molestation 3 (RCW 9A.44.089)  
15 Criminal Mistreatment 1 (RCW  
16 9A.42.020)  
17 Custodial Sexual Misconduct 1 (RCW  
18 9A.44.160)  
19 Domestic Violence Court Order  
20 Violation (RCW 10.99.040,  
21 10.99.050, 26.09.300, 26.10.220,  
22 26.26.138, 26.50.110, 26.52.070,  
23 or 74.34.145)  
24 Extortion 1 (RCW 9A.56.120)  
25 Extortionate Extension of Credit  
26 (RCW 9A.82.020)  
27 Extortionate Means to Collect  
28 Extensions of Credit (RCW  
29 9A.82.040)  
30 Incest 2 (RCW 9A.64.020(2))  
31 Kidnapping 2 (RCW 9A.40.030)  
32 Perjury 1 (RCW 9A.72.020)  
33 Persistent prison misbehavior (RCW  
34 9.94.070)  
35 Possession of a Stolen Firearm (RCW  
36 9A.56.310)  
37 Rape 3 (RCW 9A.44.060)



1 Robbery 2 (RCW 9A.56.210)  
2 Theft of Livestock 1 (RCW 9A.56.080)  
3 Threats to Bomb (RCW 9.61.160)  
4 Trafficking in Stolen Property 1 (RCW  
5 9A.82.050)  
6 Unlawful factoring of a credit card or  
7 payment card transaction (RCW  
8 9A.56.290(4)(b))  
9 Unlawful transaction of health  
10 coverage as a health care service  
11 contractor (RCW 48.44.016(3))  
12 Unlawful transaction of health  
13 coverage as a health maintenance  
14 organization (RCW 48.46.033(3))  
15 Unlawful transaction of insurance  
16 business (RCW 48.15.023(3))  
17 Unlicensed practice as an insurance  
18 professional (RCW 48.17.063(3))  
19 Use of Proceeds of Criminal  
20 Profiteering (RCW 9A.82.080 (1)  
21 and (2))  
22 Vehicular Assault, by being under the  
23 influence of intoxicating liquor or  
24 any drug, or by the operation or  
25 driving of a vehicle in a reckless  
26 manner (RCW 46.61.522)  
27 Willful Failure to Return from  
28 Furlough (RCW 72.66.060)  
29 III Abandonment of dependent person 2  
30 (RCW 9A.42.070)  
31 Assault 3 (RCW 9A.36.031)  
32 Assault of a Child 3 (RCW 9A.36.140)  
33 Bail Jumping with class B or C Felony  
34 (RCW 9A.76.170(3)(c))  
35 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for  
2 Immoral Purposes (RCW  
3 9.68A.090)  
4 Criminal Gang Intimidation (RCW  
5 9A.46.120)  
6 Criminal Mistreatment 2 (RCW  
7 9A.42.030)  
8 Custodial Assault (RCW 9A.36.100)  
9 Escape 2 (RCW 9A.76.120)  
10 Extortion 2 (RCW 9A.56.130)  
11 Harassment (RCW 9A.46.020)  
12 Intimidating a Public Servant (RCW  
13 9A.76.180)  
14 Introducing Contraband 2 (RCW  
15 9A.76.150)  
16 Malicious Injury to Railroad Property  
17 (RCW 81.60.070)  
18 Patronizing a Juvenile Prostitute  
19 (RCW 9.68A.100)  
20 Perjury 2 (RCW 9A.72.030)  
21 Possession of Incendiary Device (RCW  
22 9.40.120)  
23 Possession of Machine Gun or Short-  
24 Barreled Shotgun or Rifle (RCW  
25 9.41.190)  
26 Promoting Prostitution 2 (RCW  
27 9A.88.080)  
28 Securities Act violation (RCW  
29 21.20.400)  
30 Tampering with a Witness (RCW  
31 9A.72.120)  
32 Telephone Harassment (subsequent  
33 conviction or threat of death)  
34 (RCW 9.61.230(2))  
35 Theft of Livestock 2 (RCW 9A.56.083)  
36 Trafficking in Stolen Property 2 (RCW  
37 9A.82.055)

1 Unlawful Imprisonment (RCW  
2 9A.40.040)  
3 Unlawful possession of firearm in the  
4 second degree (RCW 9.41.040(2))  
5 Vehicular Assault, by the operation or  
6 driving of a vehicle with disregard  
7 for the safety of others (RCW  
8 46.61.522)  
9 Willful Failure to Return from Work  
10 Release (RCW 72.65.070)  
11 II Computer Trespass 1 (RCW  
12 9A.52.110)  
13 Counterfeiting (RCW 9.16.035(3))  
14 Escape from Community Custody  
15 (RCW 72.09.310)  
16 Health Care False Claims (RCW  
17 48.80.030)  
18 Identity Theft 2 (RCW 9.35.020(3))  
19 Improperly Obtaining Financial  
20 Information (RCW 9.35.010)  
21 Malicious Mischief 1 (RCW  
22 9A.48.070)  
23 Possession of Stolen Property 1 (RCW  
24 9A.56.150)  
25 Theft 1 (RCW 9A.56.030)  
26 Theft of Rental, Leased, or Lease-  
27 purchased Property (valued at one  
28 thousand five hundred dollars or  
29 more) (RCW 9A.56.096(5)(a))  
30 Trafficking in Insurance Claims (RCW  
31 48.30A.015)  
32 Unlawful factoring of a credit card or  
33 payment card transaction (RCW  
34 9A.56.290(4)(a))  
35 Unlawful Practice of Law (RCW  
36 2.48.180)

1 Unlicensed Practice of a Profession or  
2 Business (RCW 18.130.190(7))  
3 I Attempting to Elude a Pursuing Police  
4 Vehicle (RCW 46.61.024)  
5 False Verification for Welfare (RCW  
6 74.08.055)  
7 Forgery (RCW 9A.60.020)  
8 Fraudulent Creation or Revocation of a  
9 Mental Health Advance Directive  
10 (RCW 9A.60.060)  
11 Intercepting or recording  
12 communications or conversations  
13 in an executive session (RCW  
14 9.73.080(1)(a))  
15 Malicious Mischief 2 (RCW  
16 9A.48.080)  
17 Mineral Trespass (RCW 78.44.330)  
18 Possession of Stolen Property 2 (RCW  
19 9A.56.160)  
20 Reckless Burning 1 (RCW 9A.48.040)  
21 Taking Motor Vehicle Without  
22 Permission 2 (RCW 9A.56.075)  
23 Theft 2 (RCW 9A.56.040)  
24 Theft of Rental, Leased, or Lease-  
25 purchased Property (valued at two  
26 hundred fifty dollars or more but  
27 less than one thousand five  
28 hundred dollars) (RCW  
29 9A.56.096(5)(b))  
30 Transaction of insurance business  
31 beyond the scope of licensure  
32 (RCW 48.17.063(4))  
33 Unlawful Issuance of Checks or Drafts  
34 (RCW 9A.56.060)  
35 Unlawful Possession of Fictitious  
36 Identification (RCW 9A.56.320)

1 Unlawful Possession of Instruments of  
2 Financial Fraud (RCW  
3 9A.56.320)  
4 Unlawful Possession of Payment  
5 Instruments (RCW 9A.56.320)  
6 Unlawful Possession of a Personal  
7 Identification Device (RCW  
8 9A.56.320)  
9 Unlawful Production of Payment  
10 Instruments (RCW 9A.56.320)  
11 Unlawful Trafficking in Food Stamps  
12 (RCW 9.91.142)  
13 Unlawful Use of Food Stamps (RCW  
14 9.91.144)  
15 Vehicle Prowl 1 (RCW 9A.52.095)

16 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2004.

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