

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6352**

Chapter 13, Laws of 2004

58th Legislature  
2004 Regular Session

INMATES--TELEPHONE SERVICE

EFFECTIVE DATE: 6/10/04

Passed by the Senate February 16, 2004  
YEAS 48 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House March 2, 2004  
YEAS 92 NAYS 2

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved March 11, 2004.

GARY F. LOCKE

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**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**ENGROSSED SUBSTITUTE SENATE BILL  
6352** as passed by the Senate and  
the House of Representatives on  
the dates hereon set forth.

MILTON H. DOUMIT JR.

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**Secretary**

FILED

March 11, 2004 - 4:24 p.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 6352**

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Passed Legislature - 2004 Regular Session

**State of Washington                      58th Legislature                      2004 Regular Session**

**By** Senate Committee on Children & Family Services & Corrections  
(originally sponsored by Senators Stevens, Hargrove, Esser, Schmidt,  
Poulsen, Berkey, McAuliffe and Kohl-Welles)

READ FIRST TIME 02/05/04.

1            AN ACT Relating to selection of telephone calling systems for  
2 offenders in state correctional facilities; amending RCW 9.73.095; and  
3 creating a new section.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that the current  
6 telephone service for offender calls from department of corrections  
7 facilities is based on outdated technology that provides neither the  
8 most secure nor the most accountable system available and is provided  
9 at a high cost to the offenders' families. The legislature, in budget  
10 provisions, has required the secretary of corrections to investigate  
11 other systems as offender telephone service contracts came due for  
12 renewal. The legislature now finds that the current statute prevents  
13 the secretary of corrections from using systems that provide greater  
14 security, more offender accountability, and lower costs. Therefore,  
15 the legislature intends to remove this barrier while retaining the  
16 intent of the statute to provide safe, accountable, and affordable  
17 telephone services.

1       **Sec. 2.** RCW 9.73.095 and 1998 c 217 s 2 are each amended to read  
2 as follows:

3       (1) RCW 9.73.030 through 9.73.080 and 9.73.260 shall not apply to  
4 employees of the department of corrections in the following instances:  
5 Intercepting, recording, or divulging any telephone calls from an  
6 (~~inmate~~) offender or resident of a state correctional facility; or  
7 intercepting, recording, or divulging any monitored nontelephonic  
8 conversations in (~~inmate~~) offender living units, cells, rooms,  
9 dormitories, and common spaces where (~~inmates~~) offenders may be  
10 present. For the purposes of this section, "state correctional  
11 facility" means a facility that is under the control and authority of  
12 the department of corrections, and used for the incarceration,  
13 treatment, or rehabilitation of convicted felons.

14       (2)(a) All personal calls made by (~~inmates~~) offenders shall be  
15 (~~collect calls only~~) made using a calling system approved by the  
16 secretary of corrections which is at least as secure as the system it  
17 replaces. In approving one or more calling systems, the secretary of  
18 corrections shall consider the safety of the public, the ability to  
19 reduce telephone fraud, and the ability of offender families to select  
20 a low-cost option.

21       (b) The calls (~~will~~) shall be "operator announcement" type calls.  
22 The operator shall notify the receiver of the call that the call is  
23 coming from a prison (~~inmate~~) offender, and that it will be recorded  
24 and may be monitored.

25       (3) The department of corrections shall adhere to the following  
26 procedures and restrictions when intercepting, recording, or divulging  
27 any telephone calls from an (~~inmate~~) offender or resident of a state  
28 correctional facility as provided for by this section. The department  
29 shall also adhere to the following procedures and restrictions when  
30 intercepting, recording, or divulging any monitored nontelephonic  
31 conversations in (~~inmate~~) offender living units, cells, rooms,  
32 dormitories, and common spaces where (~~inmates~~) offenders may be  
33 present:

34       (a) Unless otherwise provided for in this section, after  
35 intercepting or recording any conversation, only the superintendent and  
36 his or her designee shall have access to that recording.

37       (b) The contents of any intercepted and recorded conversation shall

1 be divulged only as is necessary to safeguard the orderly operation of  
2 the correctional facility, in response to a court order, or in the  
3 prosecution or investigation of any crime.

4 (c) All conversations that are recorded under this section, unless  
5 being used in the ongoing investigation or prosecution of a crime, or  
6 as is necessary to assure the orderly operation of the correctional  
7 facility, shall be destroyed one year after the intercepting and  
8 recording.

9 (4) So as to safeguard the sanctity of the attorney-client  
10 privilege, the department of corrections shall not intercept, record,  
11 or divulge any conversation between an (~~inmate~~) offender or resident  
12 and an attorney. The department shall develop policies and procedures  
13 to implement this section. The department's policies and procedures  
14 implemented under this section shall also recognize the privileged  
15 nature of confessions made by an offender to a member of the clergy or  
16 a priest in his or her professional character, in the course of  
17 discipline enjoined by the church to which he or she belongs as  
18 provided in RCW 5.60.060(3).

19 (5) The department shall notify in writing all (~~inmates~~)  
20 offenders, residents, and personnel of state correctional facilities  
21 that their nontelephonic conversations may be intercepted, recorded, or  
22 divulged in accordance with the provisions of this section.

23 (6) The department shall notify all visitors to state correctional  
24 facilities who may enter (~~inmate~~) offender living units, cells,  
25 rooms, dormitories, or common spaces where (~~inmates~~) offenders may be  
26 present, that their conversations may intercepted, recorded, or  
27 divulged in accordance with the provisions of this section. The notice  
28 required under this subsection shall be accomplished through a means no  
29 less conspicuous than a general posting in a location likely to be seen  
30 by visitors entering the facility.

Passed by the Senate February 16, 2004.

Passed by the House March 2, 2004.

Approved by the Governor March 11, 2004.

Filed in Office of Secretary of State March 11, 2004.