
**Criminal Justice & Corrections
Committee**

HB 1648

Brief Description: Increasing the penalty for intercepting, recording, or divulging private communications in executive sessions.

Sponsors: Representatives B. Sullivan, Appleton, Orcutt, Lovick, Campbell, Strow and Hinkle.

Brief Summary of Bill

- Makes it a class C felony to intercept or record communications or conversations that take place during an executive session held by a public agency at a public meeting.

Hearing Date: 2/15/05

Staff: Kathryn Leathers (786-7114).

Background:

Meetings of the governing bodies of public agencies are required by statute to be open and public to all persons. "Meeting" is defined as any meeting during which official business of the agency is transacted. An executive session is distinguished from a meeting, in part, in that an executive session is not open to the public. A public agency may convene an executive session during an open, public meeting after publicly announcing the purpose for excluding the public from the meeting place.

A "public agency" means any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the Legislature. It also means any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state.

It is unlawful to intercept or record private communications or conversations that take place during a public hearing without the consent of all parties who participate in the private communication or conversation. However, it is permissible for communications of an emergency nature or which relate to certain criminal acts to be recorded with the consent of only one-party to the communication. A violation of this statute is a gross misdemeanor.

The term "private" is not defined by statute. "Executive sessions" are not defined by statute as "private communications or conversations."

Summary of Bill:

Makes it a class C felony to intercept or record private communications or conversations that take place during an executive session held by a public agency at a public meeting.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2005.