

SHB 1296 - H AMD TO H AMD (H-1828.2/25) **356**

By Representative Penner

OUT OF ORDER 03/12/2025

1 On page 5, after line 22 of the striking amendment, insert the
2 following:

3 "NEW SECTION. Sec. 104. A new section is added to chapter 28A.
4 155 RCW to read as follows:

5 (1) Notwithstanding RCW 9.73.030, parents or guardians of a
6 student have the right to audio record their student's
7 individualized education program team meetings.

8 (2) Except as provided under subsection (1) of this section,
9 members of a student's individualized education program team must
10 comply with RCW 9.73.030 when recording an individualized education
11 program team meeting.

12
13 **Sec. 105.** RCW 9.73.030 and 2021 c 329 s 21 are each amended to
14 read as follows:

15 (1) Except as otherwise provided in this chapter, it shall be
16 unlawful for any individual, partnership, corporation, association,
17 or the state of Washington, its agencies, and political subdivisions
18 to intercept, or record any:

19 (a) Private communication transmitted by telephone, telegraph,
20 radio, or other device between two or more individuals between
21 points within or without the state by any device electronic or
22 otherwise designed to record and/or transmit said communication
23 regardless how such device is powered or actuated, without first
24 obtaining the consent of all the participants in the communication;

25 (b) Private conversation, by any device electronic or otherwise
26 designed to record or transmit such conversation regardless how the
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1 device is powered or actuated without first obtaining the consent of
2 all the persons engaged in the conversation.

3 (2) Notwithstanding subsection (1) of this section, wire
4 communications or conversations (a) of an emergency nature, such as
5 the reporting of a fire, medical emergency, crime, or disaster, or
6 (b) which convey threats of extortion, blackmail, bodily harm, or
7 other unlawful requests or demands, or (c) which occur anonymously
8 or repeatedly or at an extremely inconvenient hour, or (d) which
9 relate to communications by a hostage holder or barricaded person as
10 defined in RCW 70.85.100, whether or not conversation ensues, may be
11 recorded with the consent of one party to the conversation.

12 (3) Where consent by all parties is needed pursuant to this
13 chapter, consent shall be considered obtained whenever one party has
14 announced to all other parties engaged in the communication or
15 conversation, in any reasonably effective manner, that such
16 communication or conversation is about to be recorded or
17 transmitted: PROVIDED, That if the conversation is to be recorded
18 that said announcement shall also be recorded.

19 (4) An employee of any regularly published newspaper, magazine,
20 wire service, radio station, or television station acting in the
21 course of bona fide news gathering duties on a full-time or
22 contractual or part-time basis, shall be deemed to have consent to
23 record and divulge communications or conversations otherwise
24 prohibited by this chapter if the consent is expressly given or if
25 the recording or transmitting device is readily apparent or obvious
26 to the speakers. Withdrawal of the consent after the communication
27 has been made shall not prohibit any such employee of a newspaper,
28 magazine, wire service, or radio or television station from
29 divulging the communication or conversation.

30 (5) This section does not apply to the recording of custodial
31 interrogations pursuant to RCW 10.122.040.

32 (6) This section does not apply to the audio recording of
33 individualized education program team meetings by a student's parent
34 or guardian pursuant to section 104(1) of this act."

EFFECT: Gives parents or guardians the right to audio record their student's individualized education program team meetings. Provides that other members of a student's individualized education program team must comply with the Washington Privacy Act.

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