

RCW 9.73.040 Intercepting private communication—Court order permitting interception—Grounds for issuance—Duration—Renewal. (1)

An ex parte order for the interception of any communication or conversation listed in RCW 9.73.030 may be issued by any superior court judge in the state upon verified application of either the state attorney general or any county prosecuting attorney setting forth fully facts and circumstances upon which the application is based and stating that:

(a) There are reasonable grounds to believe that national security is endangered, that a human life is in danger, that arson is about to be committed, or that a riot is about to be committed, and

(b) There are reasonable grounds to believe that evidence will be obtained essential to the protection of national security, the preservation of human life, or the prevention of arson or a riot, and

(c) There are no other means readily available for obtaining such information.

(2) Any application pursuant to this section that seeks communications or conversations related to an investigation that alleges criminal liability for the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services as defined in RCW 7.115.010 that are lawful in the state of Washington shall include an attestation, made under penalty of perjury, stating that the application seeks information related to the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services as defined in RCW 7.115.010 that are lawful in the state of Washington.

(3) Where statements are solely upon the information and belief of the applicant, the grounds for the belief must be given.

(4) The applicant must state whether any prior application has been made to obtain such communications on the same instrument or for the same person and if such prior application exists the applicant shall disclose the current status thereof.

(5) The application and any order issued under RCW 9.73.030 through 9.73.080 shall identify as fully as possible the particular equipment, lines or location from which the information is to be obtained and the purpose thereof.

(6) The court may examine upon oath or affirmation the applicant and any witness the applicant desires to produce or the court requires to be produced.

(7) Orders issued under this section shall be effective for fifteen days, after which period the court which issued the order may upon application of the officer who secured the original order renew or continue the order for an additional period not to exceed fifteen days.

(8) No order issued under this section shall authorize or purport to authorize any activity which would violate any laws of the United States.

(9) The court shall not issue an order for the interception of any communication or conversation for the purpose of investigating or recovering evidence that relates to an investigation that alleges criminal liability for the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care

services as defined in RCW 7.115.010 that are lawful in the state of Washington. [2023 c 193 § 5; 1967 ex.s. c 93 § 2.]

Effective date—2023 c 193: See note following RCW 7.115.020.

Severability—1967 ex.s. c 93: See note following RCW 9.73.030.