

each depository bank. Moneys shall be paid from the surplus and donated food commodities revolving fund by voucher and check in such form and in such manner as shall be prescribed by the superintendent.

Sec. 6. The superintendent of public instruction shall have power to promulgate rules and regulations as may be necessary to effectuate the purposes of this act.

Rules and regulations.

Sec. 7. The state superintendent of public instruction is hereby authorized to enter into any contract with the United States of America, or any agency thereof, for the purchase of any surplus or donated food commodities, without regard to the provisions of any other law requiring the advertising, giving notice, inviting or receiving bids, or which may require the delivery of purchases before payment.

Contracts with federal agencies.

Sec. 8. Any provision of law, or any resolution, rule or regulation which is inconsistent with the provisions of this act is suspended to the extent such provision is inconsistent herewith.

Construction.

Passed the Senate March 29, 1967.

Passed the House April 19, 1967.

Approved by the Governor April 28, 1967.

CHAPTER 93.

[Senate Bill No. 507.]

COMMUNICATIONS—INTERCEPTING, RECORDING, DIVULGING—PENALTY.

AN ACT relating to communications; prohibiting the interception, recording, or divulging thereof; adding new sections to chapter 249, Laws of 1909 and to chapter 9.73 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

New section.

Section 1. There is added to chapter 249, Laws of 1909 and to chapter 9.73 RCW a new section to read as follows:

Crimes and
criminal pro-
cedure. Pri-
vate commun-
ications—in-
tercepting,
divulging pro-
hibited—Ex-
ceptions.

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

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

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

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

Sec. 2. There is added to chapter 249, Laws of 1909 and to chapter 9.73 RCW a new section to read as follows:

(1) An ex parte order for the interception of any communication or conversation listed in section 1 of this act 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) Where statements are solely upon the information and belief of the applicant, the grounds for the belief must be given.

(3) 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.

(4) The application and any order issued under this act shall identify as fully as possible the particular equipment, lines or location from which the information is to be obtained and the purpose thereof.

(5) 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.

Crimes—In-
tercepting pri-
vate conversa-
tions.

(6) 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.

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

New section.

Sec. 3. There is added to chapter 249, Laws of 1909 and to chapter 9.73 RCW a new section to read as follows:

Evidence—
Admissibility
—Exception.

Any information obtained in violation of section 1 of this act or pursuant to any order issued under the provisions of section 2 of this act shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except with the permission of the person whose rights have been violated in an action brought for damages under the provisions of this act, or in a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security.

New section.

Sec. 4. There is added to chapter 249, Laws of 1909 and to chapter 9.73 RCW a new section to read as follows:

Civil action
for damages.

Any person who, directly or by means of a detective agency or any other agent, violates the provisions of section 1 of this act shall be subject to legal action for damages, to be brought by any other person claiming that a violation of this statute has injured his business, his person, or his reputation. A person so injured shall be entitled, in addition to other injuries, to recover for mental pain and suffering endured by him on account of violation of the provisions of section 1 of this act.

Sec. 5. The provisions of this chapter shall not apply to any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington Utilities and Transportation Commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment. Common carrier as used in this section means any person engaged as a common carrier or public service company for hire in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy. Exemptions.

Sec. 6. There is added to chapter 249, Laws of 1909 and to chapter 9.73 RCW a new section to read as follows: New section.

Any person who shall violate section 1 of this act shall be guilty of a gross misdemeanor. Penalty.

Sec. 7. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the Senate April 4, 1967.

Passed the House April 19, 1967.

Approved by the Governor April 28, 1967.