



Washington State Senate

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Senator Yasmin Trudeau
27th Legislative District

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The Honorable Nick Brown
Office of the Attorney General
1125 Washington Street SE
P.O. Box 40100
Olympia, WA 98504-0100

May 27, 2026

RE: Request for Opinion – Permissible use of smart glasses and their audio recording functions.

Dear Attorney General Brown:

In accordance with RCW 43.10.030(5), I write to request a formal opinion regarding the legal use of certain technology in the context of Washington’s two-party consent law.

In 2025, more [than 7 million](#) pairs of “smart glasses” were sold by a single U.S. company, a 300 percent increase over the number sold in 2023 and 2024 combined. This technology, which allow the user to continuously record the person’s surroundings in both public and private spaces, have raised significant privacy concerns relating the ability of contractors in other countries accessing the recorded footage, including [whenever artificial intelligence features](#) are authorized by the user.

Washington’s law governing consent to being recorded is in RCW 9.73.030, which states in part:

“(1) 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, or record any:

“(a) 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;

“(b) 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.”

Washington is one of 11 states that require the consent of all parties before a conversation can be recorded. Our state courts have since found that violations of the act are limited to private communications or conversations, but that device manufacturers lack consent when only one



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party agrees to a term of service. Given these existing constraints, I am specifically asking whether:

- 1) Must a person wearing "smart glasses" or similar technology receive individual consent from all parties present in a private setting before recording any activity? Similarly, must notice be provided to those present through some form?
- 2) Does it violate RCW 9.73.030 or any other current Washington law for manufacturers of this technology to condition its use on the ability of the manufacturer to directly obtain all recorded footage?
- 3) Since conversations with law enforcement have not been considered private conversations, and thus not subject to the state's privacy act, does a law enforcement officer have a legal duty under RCW to notify persons that they are using the technology when the person is being stopped?

Sincerely,

A handwritten signature in black ink, appearing to read "Yasmin Trudeau", with a large, stylized initial "Y" and a long, wavy horizontal line extending to the right.

Sen. Yasmin Trudeau
27th Legislative District

CC: Noah Purcell, Solicitor General
Adam Eitmann, Legislative Director
Alice Palosaari, Deputy Legislative Director

Committees: Senate Ways & Means, *Vice Chair (Capital)* • Law & Justice, *Vice Chair*
• Housing • Members of Color Caucus, *Chair*