

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

A Bill

Act 1773 of 2001
HOUSE BILL 2594

5 By: Representative White
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 5-60-120,
10 CONCERNING THE CRIMINAL OFFENSE OF INTERCEPTING
11 AND RECORDING TELEPHONE COMMUNICATIONS, TO
12 INCLUDE WIRE, CABLE AND LANDLINE TELEPHONE
13 FACILITIES; AND FOR OTHER PURPOSES.
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Subtitle

15
16 AN ACT TO AMEND THE CRIMINAL OFFENSE OF
17 INTERCEPTING AND RECORDING TELEPHONE
18 COMMUNICATIONS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code 5-60-120 is amended to read as follows:
25 5-60-120. Interception and recording.

26 (a) It shall be unlawful for a person to intercept a wire, oral, or
27 telephonic communication, defined as communications that utilize the
28 electromagnetic spectrum frequencies of forty-six to forty-nine megahertz
29 (46-49 mghz.) generally used by cordless telephone technology and eight
30 hundred forty to eight hundred eighty megahertz (840-880 mghz.) generally
31 used by cellular telephone technology or that utilize the wire, cable, or
32 landline telephone facilities or telecommunications network, and to record or
33 possess a recording of such communication unless such a person is a party to
34 the communication or one (1) of the parties to the communication has given
35 prior consent to such interception and recording.

36 (b) Any violation of this section shall be a Class A misdemeanor.

1 (c)(1) It shall not be unlawful for such an act to be committed by a
2 person acting under the color of law.

3 (2) It is an exception to the application of subsection (a) of
4 this section that an officer, employee, or agent of a public telephone
5 utility provides information, facilities, or technical assistance to a person
6 acting under the color of law to intercept a wire, oral, or telephonic
7 communication.

8 (3) It shall not be unlawful under this section for an operator
9 of a switchboard, or an officer, employee, or agent of any public telephone
10 utility whose facilities are used in the transmission of a wire communication
11 to intercept, disclose, or use that communication in the normal course of his
12 employment while engaged in any activity which is a necessary incident to the
13 rendition of his service or to the protection of the rights or property of
14 the public telephone utility of such communication.

15 (d) The provisions of this section do not apply to telecommunication
16 services offered by public telephone utilities.

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19 APPROVED: 4/18/2001
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