

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

As Engrossed: H3/7/01 H3/23/01

A Bill

Act 1823 of 2001
HOUSE BILL 2397

5 By: Representatives Teague, Milum
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 5-60-120(a)
10 CONCERNING THE INTERCEPTION AND RECORDING OF
11 *WI RE, LANDLINE, ORAL*, TELEPHONIC AND WI RELESS
12 COMMUNI CATIONS; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO AMEND ARKANSAS CODE 5-60-120
15 (a) CONCERNING THE INTERCEPTION AND
16 RECORDING OF *WI RE, LANDLINE, ORAL*,
17 TELEPHONIC AND WI RELESS COMMUNI CATIONS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code 5-60-120, concerning the interception of
24 certain communications, 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, landline,*
27 *oral, or telephonic communication, or wireless communication,* defined as
28 ~~communications that utilize the electromagnetic spectrum frequencies of~~
29 ~~forty six to forty nine megahertz (46-49 mghz.) generally used by cordless~~
30 ~~telephone technology and eight hundred forty to eight hundred eighty~~
31 ~~megahertz (840-880 mghz.) generally used by cellular telephone technology,~~
32 and to record or possess a recording of such communication unless such a
33 person is a party to the communication or one (1) of the parties to the
34 communication has given prior consent to such interception and recording.

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

36 (c)(1) *It shall not be unlawful for such an act to be committed by a*

1 person acting under the color of law.

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

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

17 (d) The provisions of this section do not apply to telecommunication
18 services offered by a telecommunications provider or public telephone
19 utilities or a Federal Communications Commission licensed amateur radio
20 operator.

21 (e) Nothing in this section shall be interpreted to prohibit or
22 restrict a Federal Communications Commission licensed amateur radio operator
23 or anyone operating a police scanner from intercepting communications for
24 pleasure.

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/s/ Teague

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APPROVED: 4/19/2001

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