

**Hall of the House of Representatives**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 2502**

"AN ACT CONCERNING THE INTERCEPTION AND USE OF WIRE, ORAL, OR  
ELECTRONIC COMMUNICATIONS."

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**Amendment No. 1 to House Bill No. 2502.**

Amend House Bill No. 2502 as originally introduced:

Page 6, line 10 add "a" after "by"

AND

Page 6, line 11 delete "an investigative or"

AND

Page 7, line 16 delete "is" and substitute "as"

AND

Page 17, line 35 add the following:

"SECTION 18. Nothing in this act shall restrict or prohibit interception and recording of communications not otherwise prohibited by Arkansas Code § 5-60-120.

SECTION 19. Emergency interception and use of wire, oral, or electronic communications.

(a) An authorized law enforcement officer, designated by the prosecuting attorney of the county where the installation will be used, may install and use live intercepts if the law enforcement officer reasonably believes that:

(1) An emergency requiring the installation of a live intercept before an order authorizing the installation and use can, with due diligence, be obtained, exist involving immediate danger of death or serious injury to any person; and

(2) There are grounds under this act on which an order could be entered to authorize the installation and use of a live intercept.

(b) If an authorized law enforcement officer installs a live intercept under subsection (a) of this section, the officer must obtain an order approving installation and use within forty-eight (48) hours after the



installation begins. If authorization is not obtained within forty-eight (48) hours, the officer shall terminate use of the live intercept on the expiration of the forty-eight (48) hours or at the time the order is denied, whichever is earlier.

(c) The state may not use as evidence in a criminal proceeding any information gained through the use of a live intercept installed under this section if authorization for the live intercept is denied.

SECTION 20. (a) It shall be unlawful for any person who knows or learns of the existence of a pen register, tracking device, trap and trace device, or any other kind of electronic intercept, to disclose that fact to the person who is the target of the investigation, or to any other person.

(b) Any person violating the provisions of this section shall be guilty of a Class A misdemeanor.”

The Amendment was read \_\_\_\_\_  
By: Representative Adams  
PBB/APK - 032620031324  
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\_\_\_\_\_  
Chief Clerk