

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.

State of Arkansas

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

83rd General Assembly

# A Bill

Regular Session, 2001

HOUSE BILL 2397

By: Representatives Teague, Milum

## For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE 5-60-120(a)  
CONCERNING THE INTERCEPTION AND RECORDING OF  
*WIRE, LANDLINE, ORAL*, TELEPHONIC AND WIRELESS  
COMMUNICATIONS; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT TO AMEND ARKANSAS CODE 5-60-120  
(a) CONCERNING THE INTERCEPTION AND  
RECORDING OF *WIRE, LANDLINE, ORAL*,  
TELEPHONIC AND WIRELESS COMMUNICATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 5-60-120, concerning the interception of  
certain communications, is amended to read as follows:

5-60-120. Interception and recording.

(a) It shall be unlawful for a person to intercept a *wire, landline,*  
*oral*, ~~or telephonic communication, or wireless communication, defined as~~  
~~communications that utilize the electromagnetic spectrum frequencies of~~  
~~forty six to forty nine megahertz (46-49 mghz.) generally used by cordless~~  
~~telephone technology and eight hundred forty to eight hundred eighty~~  
~~megahertz (840-880 mghz.) generally used by cellular telephone technology,~~  
and to record or possess a recording of such communication unless such a  
person is a party to the communication or one (1) of the parties to the  
communication has given prior consent to such interception and recording.

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

(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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26 /s/ Teague  
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