

1 State of Arkansas

2 83rd General Assembly

3 Regular Session, 2001

# A Bill

HOUSE BILL 2594

4  
5 By: Representative White

## 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.

## Subtitle

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.