



KIM REYNOLDS
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG
LT GOVERNOR

April 10, 2018

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 2392, an Act relating to electronic and mechanical eavesdropping, and the interception of communications.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Kim Reynolds".

Kim Reynolds
Governor

cc: Secretary of the Senate
Clerk of the House



House File 2392

AN ACT

RELATING TO ELECTRONIC AND MECHANICAL EAVESDROPPING, AND THE
INTERCEPTION OF COMMUNICATIONS.

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

Section 1. Section 727.8, Code 2018, is amended to read as follows:

727.8 Electronic and mechanical eavesdropping.

1. "Monitoring device" means a digital video or audio streaming or recording device that records, listens to, or otherwise intercepts video or audio communications in order to provide proof of or prevent criminal activity that is placed outside of a person's dwelling or other structure that is not in a shared hallway and is on real property owned or leased by the person.

2. Any person, having no right or authority to do so, who taps into or connects a listening or recording device to any telephone or other communication wire, or who by any electronic or mechanical means listens to, records, or otherwise intercepts a conversation or communication of any kind, commits a serious misdemeanor; ~~provided, that the~~ _

3. This section does not apply to any of the following:

a. The recording by a sender or recipient of a message or one who is openly present and participating in or listening to a communication shall not be prohibited hereby from recording such message or communication; and further provided, that nothing herein shall restrict the _

b. The use of any radio or television receiver to receive any communication transmitted by radio or wireless signal.

c. The use of a monitoring device.

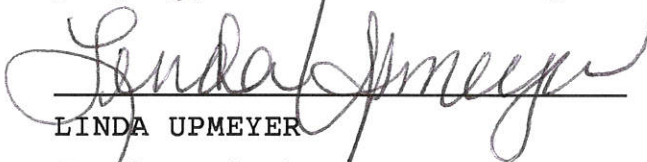
Sec. 2. Section 808B.2, subsection 2, Code 2018, is amended by adding the following new paragraph:


NEW PARAGRAPH. d. It is not unlawful under this chapter for a person who is the owner or lessee of real property to intercept an oral communication if the person intercepts the oral communication under all of the following circumstances:

(1) The interception of the oral communication is made by a surveillance system placed in or on the real property owned or leased by the person.


(2) The surveillance system is installed with the knowledge and consent of all lawful owners or lessees of the real property.

(3) The surveillance system is used for the purpose of detecting or preventing criminal activity in or on the real property owned or leased by the person or in an area accessible to the general public in the immediate vicinity of the real property owned or leased by the person.

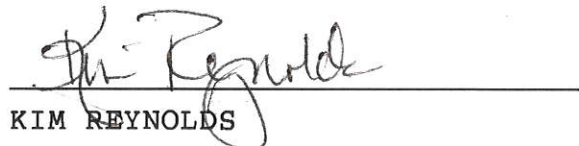

LINDA UPMEYER
Speaker of the House


CHARLES SCHNEIDER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2392, Eighty-seventh General Assembly.


CARMINE BOAL
Chief Clerk of the House

Approved April 10th, 2018


KIM REYNOLDS
Governor