

**Senate File 2189 - Introduced**

SENATE FILE 2189

BY SINCLAIR

**A BILL FOR**

1 An Act relating to electronic and mechanical eavesdropping.

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

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

3 **727.8 Electronic and mechanical eavesdropping.**

4 1. As used in this section "security listening or recording  
5 device" means a device that listens to, records, or otherwise  
6 intercepts audio conversations or communications in order to  
7 prove or prevent criminal activity.

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

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

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

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

22 c. The use of a security listening or recording device  
23 that listens to, records, or otherwise intercepts audio  
24 conversations or communications.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
27 the explanation's substance by the members of the general assembly.

28 This bill relates to illegal electronic and mechanical  
29 eavesdropping.

30 Currently, it is a serious misdemeanor for a person to  
31 tap into or connect a listening or recording device to any  
32 telephone or other communication wire, or through electronic or  
33 mechanical means to listen to, record, or otherwise intercept a  
34 conversation or communication of any kind.

35 Under current law, there are two exceptions to the criminal

1 offense of illegal electronic and mechanical eavesdropping.  
2 First, the sender or recipient of a message or one who  
3 is openly present and participating in or listening to a  
4 communication is not prohibited from recording such a message  
5 or communication. Second, the use of any radio or television  
6 receiver to receive any communication transmitted by radio or  
7 wireless signal is not prohibited.

8 The bill creates a third exception to illegal electronic and  
9 mechanical eavesdropping by permitting the use of a security  
10 listening or recording device that listens to, records, or  
11 otherwise intercepts audio conversations or communications.

12 The bill defines "security listening or recording device" to  
13 mean a device that listens to, records, or otherwise intercepts  
14 audio conversations or communications in order to prove or  
15 prevent criminal activity.