

CHAPTER 1102

ELECTRONIC OR MECHANICAL EAVESDROPPING OR COMMUNICATIONS INTERCEPTION

H.F. 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.

Approved April 10, 2018