



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

## HB2038: recordings; disclosure

Sponsor: Representative Cook, LD 7

Committee on Transportation & Infrastructure

### Overview

Makes it a class 5 felony offense for a person to intentionally record a wire or electronic communication without first providing notice to all of the parties. Adds notice provisions to existing statutes making it a class 5 felony offense for a person to intentionally intercept either a wire or electronic communication to which the person is not a party or a conversation or discussion at which the person is not present.

### History

A person is guilty of a class 5 felony who either intentionally intercepts:

- 1) a wire or electronic communication to which he is not a party, or aids, authorizes, employs, procures or permits another to so do, without the consent of either a sender or receiver;
- 2) a conversation or discussion at which he is not present, or aids, authorizes, employs, procures or permits another to so do, without the consent of a party to such conversation or discussion; or
- 3) the deliberations of a jury or aids, authorizes, employs, procures or permits another to so do.

A person who intentionally and without lawful authority installs or uses a pen register or trap and trace device on the telephone lines or communications facilities of another person which are utilized for wire or electronic communication is guilty of a class 6 felony ([A.R.S. § 13-3005](#)).

### Provisions

1. Mandates that a person is guilty of a class 5 felony who intentionally records a wire or electronic communication without first providing notice to all of the parties. (Sec. 1)
2. Clarifies that a person is guilty of a class 5 felony who intentionally intercepts a wire or electronic communication to which he is not party, or aids, authorizes, employs, procures or permits another to do so, without the consent of and *notice to* either a sender or receiver *of the wire or electronic communication*. (Sec. 1)
3. States that a person is guilty of a class 5 felony who intentionally intercepts a conversation or discussion at which he is not present, or aids, authorizes, employs, procures or permits another to do so, without the consent of and *notice to* either a party to the conversation or discussion. (Sec. 1)
4. Makes technical changes. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note