

# STATE OF NEW YORK

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9174

## IN SENATE

October 10, 2018

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Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to the definition of wiretapping

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 250.00 of the penal law, as  
2 amended by chapter 744 of the laws of 1988, is amended to read as  
3 follows:  
4 1. "Wiretapping" means the intentional overhearing or recording of a  
5 telephonic or telegraphic communication by a person other than a sender  
6 or receiver thereof, without the [~~consent of either the sender or~~  
7 ~~receiver~~] party conducting the recording expressly stating to all other  
8 parties present that such party is conducting the recording, by means of  
9 any instrument, device or equipment. The normal operation of a telephone  
10 or telegraph corporation and the normal use of the services and facilities  
11 furnished by such corporation pursuant to its tariffs or necessary  
12 to protect the rights or property of said corporation shall not be  
13 deemed "wiretapping."  
14 § 2. This act shall take effect on the thirtieth day after it shall  
15 have become a law.

EXPLANATION--Matter in italics (underscoring) is new; matter in brackets  
[~~-~~] is old law to be omitted.

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