

# STATE OF NEW YORK

---

3831

2021-2022 Regular Sessions

## IN SENATE

January 31, 2021

---

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

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~~] both the sender  
7 [~~or~~] and receiver, by means of any instrument, device or equipment. The  
8 normal operation of a telephone or telegraph corporation and the normal  
9 use of the services and facilities furnished by such corporation pursu-  
10 ant to its tariffs or necessary to protect the rights or property of  
11 said corporation shall not be deemed "wiretapping."  
12 § 2. This act shall take effect on the thirtieth day after it shall  
13 have become a law.

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

LBD04146-01-1