

STATE OF NEW YORK

4225

2023-2024 Regular Sessions

IN SENATE

February 6, 2023

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

LBD08785-01-3