

House Engrossed
recordings; disclosure

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2038

AN ACT

AMENDING SECTION 13-3005, ARIZONA REVISED STATUTES; RELATING TO RECORDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3005, Arizona Revised Statutes, is amended to
3 read:
4 13-3005. Interception of wire, electronic and oral
5 communications; installation of pen register or
6 trap and trace device; classification; exceptions
7 A. Except as provided in this section and section 13-3012, a person
8 is guilty of a class 5 felony who ~~either~~ DOES ANY OF THE FOLLOWING:
9 1. Intentionally intercepts a wire or electronic communication to
10 which he is not a party, or aids, authorizes, employs, procures or permits
11 another to so do, without the consent of, AND NOTICE TO, either a sender
12 or receiver ~~thereof~~ OF THE WIRE OR ELECTRONIC COMMUNICATION.
13 2. Intentionally intercepts a conversation or discussion at which
14 he is not present, or aids, authorizes, employs, procures or permits
15 another to so do, without the consent of, AND NOTICE TO, a party to ~~such~~
16 THE conversation or discussion.
17 3. Intentionally intercepts the deliberations of a jury or aids,
18 authorizes, employs, procures or permits another to so do.
19 4. INTENTIONALLY RECORDS A WIRE OR ELECTRONIC COMMUNICATION WITHOUT
20 FIRST PROVIDING NOTICE TO ALL OF THE PARTIES.
21 B. Except as provided in sections 13-3012 and 13-3017, a person who
22 intentionally and without lawful authority installs or uses a pen register
23 or trap and trace device on the telephone lines or communications
24 facilities of another person ~~which~~ THAT are ~~utilized~~ USED for wire or
25 electronic communication is guilty of a class 6 felony.
26 C. SUBSECTION A, PARAGRAPH 4 OF THIS SECTION DOES NOT APPLY TO A
27 PEACE OFFICER OR A PERSON ACTING AT THE DIRECTION OF A PEACE OFFICER
28 DURING THE COURSE OF AN INVESTIGATION.