

No. 1521



WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

HOUSE BILL No. 1521

(By Mr. Speaker, Mr. Albright, + Delegate Swann
[By Request of the Executive])



Passed March 3, 1986

In Effect ninety days from Passage

ENROLLED
H. B. 1521

(By MR. SPEAKER, MR. ALBRIGHT, AND DELEGATE SWANN)
[By request of the Executive]

[Passed March 3, 1986; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-four-c, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to changing the restrictions on intercepting or monitoring of customer telephone calls and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That section twenty-four-c, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-24c. Intercepting or monitoring customer telephone calls; penalty.

1 (a) It is unlawful for any person, firm or corporation
2 to intercept or monitor, or to attempt to intercept or
3 monitor, the transmission of a message, signal or other
4 communication by telephone between an employee or
5 similar agent of such person, firm or corporation and
6 a customer of such person, firm or corporation unless
7 such person, firm or corporation does all of the
8 following:

9 (1) Notifies each employee or agent subject to inter-
10 ception or monitoring that their telephone messages are

11 subject to interception or monitoring.

12 (2) Provides telephone instruments for employee's
13 personal use which are not subject to intercepting or
14 monitoring.

15 Any person, firm or corporation violating the provi-
16 sions of this section is guilty of a misdemeanor, and,
17 upon conviction thereof, shall be fined not less than fifty
18 nor more than two hundred dollars, or imprisoned in the
19 county jail not more than one year, or both fined and
20 imprisoned.

21 (b) Nothing contained in this section shall require
22 marking of telephone instruments nor require consent
23 to interception or monitoring, in the case of a wiretap
24 or other form of monitoring which is engaged in for the
25 sole purpose of law enforcement and which is lawful in
26 all other respects.

27 (c) The public service commission shall not issue any
28 rule or regulation requiring or suggesting the monitor-
29 ing of any message, signal or other communication by
30 telephone to or from any telephone utility customer so
31 as to obtain the content or substance of any such
32 communication.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
.....
Chairman Senate Committee

Floyd Fuller
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Judd C. Willis
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Don Tomhauil
.....
President of the Senate

Joseph P. Allright
.....
Speaker of the House of Delegates

The within *Approved* this the *17th*
March
day of, 1986.

Hubert H. Haas, Jr.
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/11/86

Time 2:05 p.m.

OFFICE

1935 MAR 13 AM 9:08

SECRETARY OF STATE

FILE IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/18/86