

105TH CONGRESS
2D SESSION

S. 1973

To amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibition on the interception of oral, wire, or electronic communications.

IN THE SENATE OF THE UNITED STATES

APRIL 23, 1998

Mr. BUMPERS (for himself, Mr. CHAFEE, Mr. HOLLINGS, Mrs. BOXER, Mr. TORRICELLI, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 2511 of title 18, United States Code, to revise the consent exception to the prohibition on the interception of oral, wire, or electronic communications.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Telephone Privacy Act
5 of 1998”.

1 **SEC. 2. REVISION OF CONSENT EXCEPTION TO PROHIBI-**
2 **TION ON INTERCEPTION OF ORAL, WIRE, OR**
3 **ELECTRONIC COMMUNICATIONS.**

4 Section 2511(2)(d) of title 18, United States Code,
5 shall be revised to read as follows:

6 “(d)(i) It shall not be unlawful under this chapter
7 for a person not acting under color of law to intercept
8 a wire, oral, or electronic communication where all parties
9 to the communication have given prior consent to such
10 interception unless such communication is intercepted for
11 the purpose of committing any criminal or tortious act in
12 violation of the Constitution or laws of the United States
13 or of any State.

14 “(ii) Notwithstanding subparagraph (i), a person
15 may intercept a wire, oral, or electronic communication
16 where such person is a party to the communication and
17 the communication conveys threats of physical harm, har-
18 assment or intimidation.”

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