

SB 1149 (Supplemental) (Lawrence Jezouit)

To Judiciary Committee: Chairmen Senator Coleman and Representative Fox, Vice Chairmen, Senator Doyle and Representative Holder-Winfield and Ranking Members Senator Kissel and Representative Hetherington,

The OLR Report – reproduced below – of the original substitute Senate Bill 455 (1990 session) that resulted in §52-570d of the General Statutes of Connecticut substantiates that SB1149 would “correct” an unintended consequence that makes recordings that result from the commonly used message answering systems unlawful under the existing §§52-570d(a)(2). It is reasonable to believe that there are in excess of two million such message answering systems in use within Connecticut and each affects legislators’ constituents. Please act on behalf of those constituents by ensuring that SB1149 is included within a consent calendar of the Judiciary Committee.

Office of
Legislative
Research
(OLR)
document

LEGISLATIVE REFERENCE SECTION
File No. 523

[1990]

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER sSB 455

STATE IMPACT	Minimal Cost, Within Budgeted Resources, Minimal Revenue Gain, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Judicial Department

EXPLANATION OF ESTIMATES:

STATE IMPACT: Passage of this bill would result in both a minimal cost and a minimal revenue gain to the State. Under the bill, a person can sue for damages anyone who illegally records telephone conversations without the knowledge of all parties to the conversation. Additional civil court costs would be incurred by the Judicial Department. However, these costs are anticipated to be minimal and would be absorbed within existing resources.

This bill would also result in a revenue gain to the General Fund, through additional civil filing fees. Any increase in revenue is anticipated to be minimal.

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OLR BILL ANALYSIS

sSB 455

AN ACT CONCERNING THE RECORDING OF TELEPHONE CONVERSATIONS

SUMMARY: This bill prohibits recording telephone conversations without the knowledge of all parties to

the conversation. Current law requires the knowledge of only one party. A person who violates the bill can be sued for damages, costs, and attorney's fees.

The bill makes a number of exceptions to the prohibition, such as for "911" calls, harassment calls, and law enforcement purposes.

EFFECTIVE DATE: October 1, 1990

FURTHER EXPLANATION

Knowledge of all Parties

Knowledge of all parties can be established in three ways: (1) by orally announcing to all parties to the conversation at the beginning that it is being recorded (this announcement itself must be recorded), (2) by prior written consent, or (3) by supplying an automatic and distinct signal repeated every 15 seconds while recording equipment is in use.

Exceptions

The following people can record telephone conversations without establishing knowledge of all parties by the above means:

1. law enforcement and public safety personnel in the lawful performance of their duties (this include police, "911" calls, the Secret Service while protecting the President, and telephone workers legally assisting the police);
2. anyone who receives blackmail calls or unlawful requests or demands and anyone who receives calls that occur repeatedly or at an extremely inconvenient hour; and
3. FCC licensed radio personnel recording for rebroadcast or programming.

Equipment

Any recording equipment used must be capable of being either (1) physically connected to and disconnected from the telephone line, or (2) switched on and off. It

To Judiciary Committee leadership,
This OLR Summary substantiates that a contemporary message answering system that **DOES NOT** record the **required verbal notification** results in a recording that is non compliant with the existing 52-570d(a)(2). **SB1149 at (b)(11) exempts those recordings, which adds an exception to those already existing.**

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is not clear what equipment, if any, this would exclude.

This bill applies only to recording oral communications. It does not apply to communications such as a fax or computer data even if sent over phone lines.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 27 Nay 1

CONNECTICUT STATE LIBRARY
LEGISLATIVE REFERENCE SECTION