



General Assembly

February Session, 2014

Raised Bill No. 5585

LCO No. 2663



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING SURVEILLANCE OF CELL PHONE
COMMUNICATION BY LAW ENFORCEMENT OFFICIALS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-187 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) [The following definitions are applicable to] As used in this
4 section and sections 53a-188 and 53a-189:

5 (1) "Wiretapping" means the intentional overhearing or recording of
6 a telephonic or telegraphic communication or a communication made
7 by cellular radio telephone by a person other than a sender or receiver
8 thereof, without the consent of either the sender or receiver, by means
9 of any instrument, device or equipment. The normal operation of a
10 telephone or telegraph corporation and the normal use of the services
11 and facilities furnished by such corporation pursuant to its tariffs shall
12 not be deemed "wiretapping".

13 (2) "Mechanical overhearing of a conversation" means the

14 intentional overhearing or recording of a conversation or discussion,
15 without the consent of at least one party thereto, by a person not
16 present thereat, by means of any instrument, device or equipment.

17 (3) "Unlawfully" means not specifically authorized by law.

18 [For purposes of this section, "cellular radio telephone"] (4) "Cellular
19 radio telephone" means a wireless telephone authorized by the Federal
20 Communications Commission to operate in the frequency bandwidth
21 reserved for cellular radio telephones.

22 (b) This section and sections 53a-188 and 53a-189 shall not apply to
23 wiretapping by a criminal law enforcement [officials] official in the
24 lawful performance of [their] the official's duties and do not affect the
25 admissibility of evidence in any proceedings other than a prosecution
26 for eavesdropping or tampering with private communications. For
27 purposes of this section and sections 53a-188 and 53a-189, wiretapping
28 of a cellular radio telephone by a criminal law enforcement official is in
29 the lawful performance of the official's duty when such official (1) has
30 probable cause to believe that the cellular radio telephone has been
31 used in furtherance of the commission of a crime and has obtained a
32 search warrant that authorizes wiretapping of the cellular radio
33 telephone, or (2) is otherwise authorized by state or federal law to
34 engage in wiretapping of the cellular radio telephone.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	53a-187

Statement of Purpose:

To ensure that any wiretapping of cellphones by law enforcement officials is conducted in accordance with applicable state or federal law.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]