

AMENDED IN ASSEMBLY APRIL 13, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 925

Introduced by Assembly Member Low

February 26, 2015

An act to amend Section 632.7 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 925, as amended, Low. ~~Interception and intentional~~ *Intentional* recording of *telephonic* communication.

Existing law makes it a misdemeanor, punishable by a fine not to exceed \$2,500, by imprisonment in county jail for not more than one year or in the state prison, or by both that fine and imprisonment to, ~~without the consent of both parties; imprisonment, to~~ intercept or receive and intentionally record, or assist in the interception or receipt and intentional recording of, a communication transmitted between 2 *telephonic* devices, ~~including cordless telephones and cellular radio telephones; without the consent of all parties to the communication.~~ Existing law exempts from these provisions a public communications utility when the acts are for the construction, maintenance, or operation of the services of the public utility or are pursuant to the tariffs of the public utility, and also exempts telephonic communication systems used exclusively within a correctional facility, as specified.

This bill would ~~increase the fine for this crime to not more than \$3,500.~~ *additionally exempt from that prohibition a nonconfidential communication between a person or business and a current or former customer, or a person reasonably believed to be a current or former*

customer; regarding their business relationship, including communications regarding billing, provisioning, maintaining, or operating the product or service provided by the person or business.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 632.7 of the Penal Code is amended to
2 read:

3 632.7. (a) Every person who, without the consent of all parties
4 to a communication, intercepts or receives and intentionally
5 records, or assists in the interception or reception and intentional
6 recordation of, a communication transmitted between two cellular
7 radio telephones, a cellular radio telephone and a landline
8 telephone, two cordless telephones, a cordless telephone and a
9 landline telephone, or a cordless telephone and a cellular radio
10 telephone, shall be punished by a fine not exceeding ~~three~~ *two*
11 *thousand five hundred dollars—(\$3,500); (\$2,500)*, or by
12 imprisonment in a county jail not exceeding one year, or in the
13 state prison, or by both that fine and imprisonment. If the person
14 has been convicted previously of a violation of this section or of
15 Section 631, 632, 632.5, 632.6, or 636, the person shall be punished
16 by a fine not exceeding ten thousand dollars (\$10,000), by
17 imprisonment in a county jail not exceeding one year, or in the
18 state prison, or by both that fine and imprisonment.

19 (b) This section shall not apply to any of the following:

20 (1) A public utility engaged in the business of providing
21 communications services and facilities, or to the officers,
22 employees, or agents thereof, ~~where~~ *when* the acts otherwise
23 prohibited are for the purpose of construction, maintenance,
24 conduct, or operation of the services and facilities of the public
25 utility.

26 (2) The use of any instrument, equipment, facility, or service
27 furnished and used pursuant to the tariffs of the public utility.

28 (3) A telephonic communication system used for communication
29 exclusively within a state, county, city and county, or city
30 correctional facility.

31 (4) *A nonconfidential communication between a person or*
32 *business and a current or former customer of the person or*

1 *business, or a person reasonably believed to be a current or former*
2 *customer, regarding their business relationship, including, but not*
3 *limited to, communications regarding billing, provisioning,*
4 *maintaining, or operating the product or service provided by the*
5 *person or business.*

6 (c) As used in this section, each of the following terms have the
7 following meaning:

8 (1) “Cellular radio telephone” means a wireless telephone
9 authorized by the Federal Communications Commission to operate
10 in the frequency bandwidth reserved for cellular radio telephones.

11 (2) “Cordless telephone” means a two-way, low power
12 communication system consisting of two parts, a “base” unit which
13 connects to the public switched telephone network and a handset
14 or “remote” unit, that are connected by a radio link and authorized
15 by the Federal Communications Commission to operate in the
16 frequency bandwidths reserved for cordless telephones.

17 (3) “Communication” includes, but is not limited to,
18 communications transmitted by voice, data, or image, including
19 facsimile.