

By: Senator(s) Turner

To: Judiciary

SENATE BILL NO. 2974
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-29-507, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT AN INDIVIDUAL TO OWN, POSSESS, INSTALL, OPERATE OR
3 MONITOR CERTAIN ELECTRONIC, MECHANICAL OR OTHER DEVICES; TO AMEND
4 SECTION 41-29-531, MISSISSIPPI CODE OF 1972, TO PROVIDE CERTAIN
5 EXCEPTIONS TO CRIMINAL LIABILITY; AND FOR RELATED PURPOSES. BE IT
6 ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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8 SECTION 1. Section 41-29-507, Mississippi Code of 1972, is
9 amended as follows:

10 41-29-507. (1) No person, agency of the state or * * *
11 political subdivision of the state, other than the Bureau of
12 Narcotics, is authorized by this article to own, possess, install,
13 operate or monitor an electronic, mechanical or other device. The
14 Bureau of Narcotics may be assisted by an investigative or law
15 enforcement officer in the operation and monitoring of an
16 interception of wire, oral or other communications, provided that
17 an agent of the Bureau of Narcotics is present at all times.

18 (2) The director shall designate, in writing, the agents of
19 the Bureau of Narcotics who are responsible for the possession,
20 installation, operation and monitoring of electronic, mechanical
21 or other devices for the bureau.

22 SECTION 2. Section 41-29-531, Mississippi Code of 1972, is
23 amended as follows:

24 41-29-531. This article shall not apply to:

25 (a) An operator of a switchboard, or an officer,
26 employee or agent of a communication common carrier whose
27 facilities are used in the transmission of a wire communication,
28 intercepts a communication, or who discloses or uses an

29 intercepted communication in the normal course of employment while
30 engaged in an activity that is a necessary incident to the
31 rendition of service or to the protection of the rights or
32 property of the carrier of the communication;

33 (b) An officer, employee or agent of a communication
34 common carrier who employs or uses any equipment or device which
35 may be attached to any telephonic equipment of any subscriber
36 which permits the interception and recording of any telephonic
37 communications solely for the purposes of business service
38 improvements;

39 (c) An officer, employee or agent of a communication
40 common carrier who provides information, facilities or technical
41 assistance to an investigative or law enforcement officer who is
42 authorized as provided by this article to intercept a wire, oral
43 or other communication;

44 (d) A person acting under color of law who intercepts a
45 wire, oral or other communication if the person is a party to the
46 communication, or if one of the parties to the communication has
47 given prior consent to the interception; or

48 (e) A person not acting under color of law who
49 intercepts a wire, oral or other communication if the person is a
50 party to the communication, or if one of the parties to the
51 communication has given prior consent to the interception unless
52 the communication is intercepted for the purpose of committing any
53 criminal or tortious act in violation of the Constitution or laws
54 of the United States or of this state, or for the purpose of
55 committing any other injurious act.

56 SECTION 3. This act shall take effect and be in force from
57 and after its passage.